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MONTANA LEGISLATIVE HISTORY

Chapter 598 19 87

Bill H 526 S _____ Original bill & history ✓ C

H. Committee on Fish & Game			S. Committee on Fish & Game		
Hearing Date(s)	_____	___C	Hearing Date(s)	_____	___C
	2/17	___C		3/24	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	3/17	___C	out	4/3	___

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

3/17	HEARING		
3/26	COMMITTEE REPORT--BILL CONCURRED		
3/31	2ND READING CONCURRED	50	0
4/01	3RD READING CONCURRED	45	4
	RETURNED TO HOUSE		
4/03	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/06	TRANSMITTED TO GOVERNOR		
4/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 454 EFFECTIVE DATE: 10/01/87		

HB 524 INTRODUCED BY SANDS
REDUCE SCHOOL FUNDING SCHEDULES BY 1 PERCENT FOR 1987-88 AND MAINTAIN THAT LEVEL

1/29	INTRODUCED		
1/29	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/29	FISCAL NOTE REQUESTED		
2/02	FISCAL NOTE RECEIVED		
2/11	HEARING		
2/21	TABLED IN COMMITTEE		

HB 525 INTRODUCED BY WALLIN
ELIMINATE LIGHT VEHICLE FEE IN LIEU OF TAX

1/29	INTRODUCED		
1/29	REFERRED TO TAXATION		
1/29	FISCAL NOTE REQUESTED		
2/03	FISCAL NOTE RECEIVED		
2/12	HEARING		
2/13	TABLED IN COMMITTEE		

HB 526 INTRODUCED BY SCHYE, ET AL.
HUNTING FEE INCREASES TO FUND WILDLIFE HABITAT PROTECTION

1/29	INTRODUCED		
1/29	REFERRED TO FISH & GAME		
1/29	FISCAL NOTE REQUESTED		
2/04	FISCAL NOTE RECEIVED		
2/17	HEARING		
3/18	TAKEN FROM COMMITTEE	58	41
3/19	2ND READING PASSED	62	37
	STATEMENT OF INTENT ADOPTED		
3/20	3RD READING PASSED	64	36
	TRANSMITTED TO SENATE		
3/21	REFERRED TO FISH & GAME		
3/24	HEARING		
4/04	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
4/07	2ND READING CONCURRED AS AMENDED	36	14
4/08	3RD READING CONCURRED	35	15
	RETURNED TO HOUSE WITH AMENDMENTS		
4/13	2ND READING AMENDMENTS CONCURRED	60	35
4/14	3RD READING AMENDMENTS CONCURRED	62	36
4/16	SIGNED BY SPEAKER		
4/21	SIGNED BY PRESIDENT		
4/21	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 598 EFFECTIVE DATE: 3/01/88		

House BILL NO. 526

INTRODUCED BY [signatures]

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE LEASE OR PURCHASE OF LAND OR EASEMENTS FOR WILDLIFE HABITAT AND THE DEVELOPMENT AND MAINTENANCE THEREOF; TO PROVIDE FUNDING THROUGH HUNTING LICENSE FEE INCREASES; TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A" LICENSES THAT MAY BE SOLD; AMENDING SECTIONS 87-1-301, 87-2-401 THROUGH 87-2-403, 87-2-501, 87-2-504, 87-2-505, 87-2-507, 87-2-508, 87-2-701, 87-2-708, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

WHEREAS, the lease or purchase of land suitable for wildlife habitat and the acquisition of conservation easements to protect and enhance habitat are necessary; and

WHEREAS, allocating revenue from increases in hunting license fees is appropriate to fund the protection and enhancement of wildlife habitat.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-301, MCA, is amended to read:

"87-1-301. Powers of the commission. The commission shall:

(1) set the policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;

(2) establish the hunting, fishing, and trapping rules of the department;

(3) establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(4) have the power within the department to establish wildlife refuges and bird and game preserves;

(5) approve all acquisitions or transfers by the department of interests in land or water;

(6) review and approve the budget of the department prior to its transmittal to the budget office; and

(7) review and approve construction projects whose estimated cost is more than $1,000 but less than $5,000; and

(8) have the authority to secure wildlife habitat through lease or purchase of suitable land or the acquisition of conservation easements thereon, in accordance with criteria developed following public hearings held for that purpose."

NEW SECTION. Section 2. Funding for wildlife habitat. (1) The amount of money specified in this subsection from

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LC 0726/01

the sale of each hunting license or permit listed must be used exclusively by the commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature.

(a) Class A-3, resident deer A, $2;

(b) Class A-5, resident elk, $3;

(c) Class B-10, nonresident combination, $50;

(d) Resident antelope, $3;

(e) Nonresident antelope, $20;

(f) Resident moose, $5;

(g) Nonresident moose, $20;

(h) Resident mountain goat, $5;

(i) Nonresident mountain goat, $20;

(j) Resident mountain sheep, $3;

(k) Nonresident mountain sheep, $20;

(l) Class D-2, resident mountain lion, $3;

(m) Class D-1, nonresident mountain lion, $20;

(n) Class A-6, resident black bear, $3;

(o) Nonresident black bear, $20;

(p) Class A-1, resident game bird, $1;

(q) Class B-1, nonresident game bird, $10;

(r) Wild turkey nonresident, $10;

(s) Class A-2, special bow and arrow, $3;

(t) Class AAA, sportsman's, $5.

(2) Twenty percent of any increase after [the

effective date of this act] in the fee for the Class B-7 license or any license or permit listed in subsection (1) must be allocated for use as provided in subsection (1).

(3) Ninety percent of the money allocated by this section, together with the interest and income therefrom, must be used to secure wildlife habitat pursuant to 87-1-301(8).

(4) Ten percent of the money allocated by this section must be credited to the account created by 87-1-601(5) for use in the manner prescribed therein for the development and maintenance of real property used for wildlife habitat.

Section 3. Section 87-2-401, MCA, is amended to read:

"87-2-401. Class A-1--resident game bird license. Except as otherwise provided, a resident, as defined by 87-2-102, who is 12 years of age or older may, upon payment of a fee of ~~$4~~ $5, receive a Class A-1 license which will entitle the holder to pursue, hunt, shoot, and kill game birds and possess the carcasses of game birds as authorized by department rules."

Section 4. Section 87-2-402, MCA, is amended to read:

"87-2-402. Class B-1--nonresident game bird license. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who is 12 years of age or older, upon payment of a fee of ~~$30~~ $40 may receive a Class B-1 license which shall entitle the holder thereof to

pursue, hunt, shoot, and kill game birds and possess the carcasses of game birds as authorized by department rules."

Section 5. Section 87-2-403, MCA, is amended to read:

"87-2-403. Wild turkey tags and fee. (1) The department may issue wild turkey tags to the holder of a valid Class A-1 or Class B-1 license or as set out in subsection (3). Each tag shall entitle the holder to pursue, hunt, shoot, and kill one wild turkey and possess the carcass thereof, during such times and such places as the department shall authorize an open season on wild turkey.

(2) The fee for a wild turkey tag ~~shall be~~ is $3 for residents and $13 for nonresidents. Turkey tags shall be issued either by a drawing system or in unlimited number as authorized by department rules.

(3) Subject to the provisions of subsection (2), a person who is 62 years of age or older as provided in 87-2-801, certified as disabled under 87-2-803, or a resident minor as described in 87-2-805 may purchase a wild turkey tag upon presentation of his wildlife conservation license."

Section 6. Section 87-2-501, MCA, is amended to read:

"87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident deer, elk, and bear licenses. (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, who will be 12 years of age or older prior to

September 15 of the season for which the license is issued may, upon payment of the proper fee or fees, be entitled to purchase one each of the following licenses at the prescribed cost which will entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held and to possess the carcasses of those game animals as authorized by department rules:

(a) Class A-3, deer A tag, ~~$9~~ $11;

(b) Class A-4, deer B tag, $6;

(c) Class A-5, elk tag, ~~$10~~ $13;

(d) Class A-6, black or brown bear tag, ~~$8~~ $11;

(e) Class A-7, antlerless elk tag, $10.

(2) The holder of a Class A-7 antlerless elk license is entitled to take surplus antlerless elk in areas designated by the commission and at such times and upon such terms as set forth by the commission but may not simultaneously possess a Class A-5 and a Class A-7 license in the same year. The commission shall include in the terms of issuance of the Class A-7 license a requirement for surrender of a current Class A-5 license if held by a person at the time he purchases a Class A-7 license. If a current Class A-5 license is surrendered, as required by this section, the Class A-7 license must be issued without cost to the holder. No person may take more than one elk during any license year, and a person holding a Class A-7

antlerless elk tag may not take an elk during the same license year with a Class A-5 elk tag."

Section 7. Section 87-2-504, MCA, is amended to read:

"87-2-504. Class B-7 and B-8--nonresident deer licenses. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued and is a holder of a nonresident conservation license may, upon payment of the proper fee or fees and subject to the limitations prescribed by law and department regulation, be entitled to apply to the fish and game office, Helena, Montana, to purchase one each of the following licenses: Class B-7, deer A tag, ~~$100~~ $150; Class B-8, deer B tag, $50; and will entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held and to possess the carcasses of those animals as authorized by department rules. Unless purchased as part of a B-10 license, a Class B-7 license must be assigned for use in a specific administrative region or portion thereof. Not more than 5,000 Class B-7 licenses may be sold in any license year. Money received from the sale of Class B-7 licenses in excess of 1,700 must be used as provided in [section 2(1)]."

Section 8. Section 87-2-505, MCA, is amended to read:

"87-2-505. Class B-10--nonresident big game

combination license. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of ~~$350~~ $400 and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, Class B-7, and black bear licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year."

Section 9. Section 87-2-507, MCA, is amended to read:

"87-2-507. Class D-1--nonresident mountain lion license. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who is 12 years of age or older, upon payment of a fee of ~~$300~~ $320 may receive a Class D-1 license which shall entitle the holder thereof to pursue, hunt, shoot, and kill mountain lion and possess the carcass thereof as authorized by department rules. If a holder of a valid mountain lion license under this section kills a mountain lion, he must purchase a trophy license for a fee of $50 within 10 days

after the date of kill. The trophy license authorizes the holder to possess and transport such trophy."

Section 10. Section 87-2-508, MCA, is amended to read:

"87-2-508. Class D-2--resident mountain lion license. Except as otherwise provided in this chapter, a person who is a resident, as defined in 87-2-102, and who is 12 years of age or older, upon payment of a fee of ~~$10~~ $13 may receive a Class D-2 license which shall entitle the holder thereof to pursue, hunt, shoot, and kill mountain lion and possess the carcass thereof as authorized by department rules. If a holder of a valid mountain lion license under this section kills a mountain lion, he must purchase a trophy license for a fee of $50 within 10 days after the date of kill. The trophy license authorizes the holder to possess and transport such trophy."

Section 11. Section 87-2-701, MCA, is amended to read:

"87-2-701. Special licenses. (1) Any applicant who will be 12 years of age or older prior to September 15 of the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license which, in the judgment of the department, is to be issued and shall pay the following fees therefor:

(a) moose--resident, ~~$50~~ $55; nonresident, ~~$300~~ $320;

(b) mountain goat--resident, ~~$50~~ $55; nonresident,

~~$300~~ $320;

(c) mountain sheep--resident, ~~$50~~ $53; nonresident, ~~$300~~ $320;

(d) antelope--resident, ~~$6~~ $9; nonresident, ~~$100~~ $120;

(e) grizzly bear--resident, $50; nonresident, $300;

(f) black or brown bear--nonresident, ~~$100~~ $120;

(g) wild buffalo--resident, $200; nonresident, $1,000.

(2) In the event a holder of a valid special grizzly bear license kills a grizzly bear, he must purchase a trophy license for a fee of $25 within 10 days after date of kill. Such trophy license shall authorize the holder to possess and transport said trophy.

(3) Special licenses shall be issued in a manner prescribed by the department."

Section 12. Section 87-2-708, MCA, is amended to read:

"87-2-708. Class A-2--special bow and arrow license. A holder of a valid hunting license for which a special archery season is set by the department may receive, upon payment of an additional fee of ~~$6~~ $9, a Class A-2 license which shall authorize the holder thereof to pursue, hunt, shoot, and kill with bow and arrow the game animals so authorized by the licenses held and to possess the carcass thereof during seasons and in areas, as designated by the department."

Section 13. Section 87-2-711, MCA, is amended to read:

"87-2-711. Class AAA--sportsman's license. Any resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season for which the license is issued, upon payment of the sum of ~~$36~~ $41, shall be entitled to a sportsman's license which shall permit the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, A-6, and resident conservation licenses as prescribed in 87-2-202. The department shall furnish each holder of a sportsman's license an appropriate decal."

NEW SECTION. Section 14. Extension of authority. Any existing authority of the department of fish, wildlife, and parks or the fish and game commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 15. Codification instruction. Section 2 is intended to be codified as an integral part of Title 87, chapter 1, and the provisions of Title 87 apply to section 2.

NEW SECTION. Section 16. Effective date. This act is effective March 1, 1988.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB526 , as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would provide for acquisition, development and maintenance of wildlife habitat financed through various hunting license fee increases; and, to specify the number of nonresident deer "A" licenses.

ASSUMPTIONS:

1. The volume of sales for the last completed license year was used in the computations.

2. Buyer resistance of 10% for FY89 was used on licenses that have no restrictions on the number that can be sold. This is based on historical usage.

3. The 17,000 nonresident combination and B-7 licenses that relate to the 1988 hunting season will be sold by June 30, 1988. All other fee increases will be realized in FY89.

David L. Hunter DATE

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Ted Schye DATE

TED SCHYE, PRIMARY SPONSOR

Fiscal Note for HB526, as introduced.

HB 526

FISCAL IMPACT:

SCHEDULE OF LICENSE REVENUES AS A RESULT OF THE PROPOSED FEE INCREASES

Type of License	Current Cost/License	Proposed Increase	Current Law	Proposed Law FY88	Proposed Law FY89
*Resident Deer A	$ 9	$ 2	$ 972,736	$ 972,736	$ 1,105,810
NR Deer A	100	50	250,000	750,000	750,000
*Res Elk	10	3	620,003	620,003	747,185
NR Combo	350	50	5,950,000	6,800,000	6,800,000
Res. Antelope	6	3	203,214	203,214	304,821
NR Antelope	100	20	607,700	607,700	729,240
Res. Moose	50	5	29,850	29,850	32,835
NR Moose	300	20	5,700	5,700	6,080
Res. Goat	50	5	16,650	16,650	18,315
NR Goat	300	20	5,700	5,700	6,080
Res. Sheep	50	3	25,406	25,406	26,924
NR Sheep	300	20	16,200	16,200	17,280
Res. Mt. Lion	10	3	10,450	10,450	13,585
NR Mt. Lion	300	20	27,600	27,600	29,440
*Res. Black Bear	8	3	43,329	43,329	55,608
*NR Black Bear	100	20	107,895	107,895	116,748
*Res. Bird	4	1	139,604	139,604	169,320
*NR Bird	30	10	137,223	137,223	166,176
NR Turkey	3	10	4,500	4,500	19,500
*Bow and Arrow	6	3	124,680	124,680	176,193
*Res. Sportsmen	36	5	854,780	854,780	908,191
TOTAL			$10,153,220	$11,503,220	$12,199,331

*Over-the-counter license sales have a 10% buyer resistance in FY89.

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
License Revenues:	$10,028,540	$11,503,220	$1,474,680	$10,028,540	$12,199,331	$2,170,791

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Testimony presented by Jim Flynn, Department of Fish, Wildlife and Parks

The acquisition of land by the state wildlife management agency and the dedication of that land to wildlife conservation and public access, is not a new concept for Montana. The state's initial purchase occurred in 1915 at Red Rocks Lake. The first major acquisition for big game, the Judith River Game Range near Utica, MT, was completed in 1940. Each of these areas of important wildlife habitat purchased might otherwise have been altered or lost to other land uses without such protection.

The wildlife management area program has proven to be a successful way to ensure that these special lands will remain available for use by wildlife for generations to come as human encroachment makes other habitat unavailable.

Over the past 70 years management philosophies and land opportunities have evolved to include the utilization of conservation easements and leases where they are cost effective- and where landowners attitudes have been favorable. In addition, some federal lands adjacent to state wildlife management areas have been dedicated and managed for wildlife enhancement under cooperative agreements, thus expanding the positive benefits of these holdings.

Ultimately the key to success in securing wildlife enhancement opportunities will be maximizing the options available to the willing landowner. Some landowners view outright fee title as the only option suitable. Others wishing to protect key habitats yet retain ownership find conservation easements a realistic approach. Leasing is generally a short term approach utilized while more long term options are reviewed.

The department currently has about 295,000 acres for wildlife management areas of which about 97,000 acres are leased and about 9,000 acres are in conservation easements.

Since 1981 the department has acquired 7,629 acres of fee title and leases for wildlife using sportsman's dollars at a cost of $2,235,750. A total of about 500 of these 7,629 acres have been leased from the Corp of Engineers and the Bureau of Land Management. These are itemized in Attachment 1.

In addition, conservation easements received by the department have been donated or purchased. Three easements were donated for wildlife habitat purposes. They are the Sourdough in Gallatin County, Sun River in Lewis and Clark County and a Rock Creek easement east of Missoula in Granite County. Other conservation easements which were donated were at Kleinschmidt Lake in Powell

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County and Fox Lakes in Richland County. These easements are floodage easements to provide for waterfowl habitat improvements.

Easements which were purchased are located along the Blackfoot River, at Rock Creek WMA near Missoula and along Spring Creek south of Lewistown. The Blackfoot River conservation easement provides for protection of the scenic beauty of the Blackfoot Canyon and some public access. The Rock Creek easement provides for protection of the natural setting of Rock Creek and the surrounding area which is bighorn sheep habitat. The Spring Creek easement protects the unique fishery and provides public access. All of these easements prevent subdivision of the lands and allow for grazing and other consistent uses which are compatible with the purpose of the conservation easement.

Out of a total of 47 wildlife management areas managed by the department, 23 have programs which involve private agricultural interests including 2,055 acres of sharecropping , 1,525 acres of hay leasing, 6,644 AUMs of livestock grazing and 9 million board feet of timber harvest. A number of other areas are under review for the potential application of similar programs.

It is important to point out that in these land dealings the department has only negotiated with willing sellers and would not pursue an acquisition under other circumstances.

The department is sensitive to public opinion, not only those representing sportsman interest, but also local residents and officials who may have special concerns about the acquisition of large tracts of land.

A good example of this is the case of the 6,000 acre Charlie Marshall Ranch located 15 miles southwest of Absarokee along the Stillwater River. Acquisition of this property offered the department the opportunity to acquire excellent deer and mountain sheep range, the potential for increasing an elk herd as well as securing important public access to thousands of acres of public land and the protection of a significant portion of both shores of the Stillwater River.

Negotiations for this property began in 1976 when Mr. Marshall offered the department, through the Nature Conservancy, the opportunity to buy his property. By 1984, the department had the necessary funding and an acceptable agreement to acquire the property. It also had sportsman support because the property provided significant habitat and recreational values.

However, the project did not enjoy the support of the neighboring ranchers and the decision was made not to buy the property in deference to their concerns.

The issue of property taxes affected by department acquired lands is often a concern. By making in lieu payments to counties, the department pays an amount equal to what would be assessed as if the property were owned by a private entity. In 1986 taxes paid for wildlife lands will be about $160,000. Our 1985 payments by county are in Attachment 2. This equates to over 12 percent of total operational expenses.

Maintenance and upkeep on department acquired land is another area of concern often expressed. SB 526 addresses this by taking a portion of the earmarked revenue and directing that it go to the Real Property Trust Account. The interest would then be used for maintenance costs such as weed control, fencing, road improvements, signing, etc.

A Real Property Trust Account was authorized by the 1981 Legislature through the enactment of Section 87-1-601 (5), MCA. This statute requires the deposit of monies received from the sale of department surplus real property and the revenue from the use of certain department lands into a trust account, with the principal to remain inviolate. The interest derived from this account may be used only for the operation, development and maintenance of department real property.

Deposits into the Trust Account through FY 1986 as well as expenditures from that account are detailed in Attachment 3.

We regularly receive inquiries from landowners indicating their willingness and, in fact preference, to deal with the department regarding their land holdings. Examples of these offers have included the Robb Creek Grazing Association near Dillon, interested in selling, but only a subdivider as an interested buyer; the Wittmayer Grazing Association along the "Highline," the Dreyer Ranch near Clearwater Junction (Attachment 4) and an interest in conservation easements along the Smith River (McMicking Property and Doggett Property).

Funds have not been available on a consistent basis to favorably respond to these requests. We must continually put these inquiries off to see if any funds will be available in the next session. This bill would allow a timely response to inquiries and allow a basis for looking at priority habitat needs.

Finally there are several screening processes which allow considerable review and public input into each acquisition potential. First, the department has a process of evaluating and ranking land potentials. The process is being formalized and a copy is attached for your review.

Once the department has a recommendation it goes to the Commission for their consideration which includes a public review. The final step is review by the State Land Board consisting of the Governor, Secretary of State, Attorney General, Auditor and Superintendent of Public Instruction. These

individuals have the final say so on acquisitions of any size. These steps ensure opportunity for consideration for all affected parties.

Given the major contribution this HB 526 would make toward the long term conservation of Montana's wildlife and their habitats for current and future generations to enjoy, we urge your support on this legislation.

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ATTACHMENT 1

Wildlife Management Areas Purchased by Montana Department of Fish, Wildlife and Parks Since 1981

WMA	County	Grantor	Acres	Date	Cost
Seven Sisters (addition) - along Yellowstone River near Sidney	Richland	Private	193	10/81	$ 119,000
Big Lake - near Billings	Stillwtr.	Private	240	12/81	43,750
Isaac Hmstd. (addition) - along Yellowstone near Forsyth	Treasure	BLM	85	5/82	(Donation)
Kootenai - near Eureka	Lincoln	COE	2,443	10/82	(Mitigation)
Wall Creek - near Ennis (inholding)	Madison	Private	320	8/84	504,000
Pablo (addition) for waterfowl	Lake	Private	25	12/84	35,000
Blackleaf (inholding) on game range	Teton	Private	1,632	10/85	494,000
Dailey Lake - Rigler property near Gardiner	Park	Private	2,691	4/86	1,040,000
	TOTAL		**7,629**		**$2,235.750**

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ATTACHMENT 2

MDFWP 1985 TAX PAYMENTS BY COUNTY FOR WILDLIFE MANAGEMENT AREAS

REGION	COUNTY	TAXES PAID
1	Flathead	$ 289.65
	Lake	14,936.25
	Lincoln	1,824.16
2	Powell	4,596.51
	Missoula	3,383.52
	Ravalli	4,688.16
3	Anaconda/Deer Lodge	17,914.73
	Beaverhead	4,262.99
	Butte/Silver Bow	4,898.72
	Gallatin	2,042.84
	Jefferson	207.50
	Madison	2,950.01
4	Cascade	3,338.61
	Judith Basin	2,389.48
	Lewis and Clark	14,775.62
	Teton	14,955.14
5	Bighorn	143.64
	Stillwater	80.18
	Wheatland	316.86
6	Hill	275.64
	Phillips	90.96
	Valley	118.82
7	Richland	4,187.15
	Treasure	1,007.71
	1985 TOTAL	$103,674.75

216.2

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ATTACHMENT 3

I. DEPARTMENT OF FISH, WILDLIFE AND PARKS DEPOSITS INTO THE REAL PROPERTY TRUST ACCOUNT THROUGH FY 1986

CATEGORY	AMOUNT
Mt. Haggin Timber Sales	$ 741,390
Sale of Department Real Property	227,001
Mineral, Grazing, Land & Building Leases	216,596
	$1,184,987

II. PROJECTS FUNDED BY THE TRUST ACCOUNT

Project & A/E#	Amount Allocated	Spent and/or Encumbered to Date	Balance
Mt. Haggin WMA Fence 85-35-21	$76,000.00	$53,036.38	$22,963.62
Wall Creek WMA Fence 85-35-22	25,000.00	15,893.54	9,106.46
Milk River WMA Fence 85-35-23	13,500.00	- 0 -	13,500.00
Miscellaneous[1] 85-35-15			
Nevada Lake WMA Fence	1,344.00	360.20	983.80
Warm Springs WMA Fence	1,344.00	1,545.05	(201.05)
PARKS:	32,812.00		15,606.93
Klabunde Mem		7,338.93	
Yellow Bay Fence		9,866.14	
	$150,000.00	$88,041.24	$61,958.76

[1] all figures as of 9/11/86

ATTACHMENT 4

2-17-87

626

RECEIVED

JAN 28 1987

WILDLIFE DIVISION

January 26,1987

Arnie Olson
Department of Fish Wildlife & Parks
1420 East 6th Avenue
Helena, Montana 59620

Dear Mr. Olson,

We have our ranch for sale and thought the Fish & Game might be interested. We have thought about selling the ranch to a large corporation as a hunting & fishing retreat, but we think the place would better serve the Fish & Game in preserving their elk and deer population.

Our ranch is located Northeast of the Blackfoot Clearwater Game Range. Our land is a corridor from the game range to Forest Service land and the Bob Marshall Wilderness. We have 2,960 acres that are a natural habitat for elk and deer.

There are elk and deer on this ranch year round, many elk and deer stay on the place thru the winter. Several hundred use the ranch to pass thru to higher country and to return to the game ranch in fall and winter. Around 100 head of elk have their calves in our pasture and stay there thru the summer and fall. In the early fall during breeding season, the elk congregate in the pastures and meadows near our buildings. Our meadows and some timber land are in Area 282.

We also, have about 1 mile of Cottonwood Creek passing thru our property.

* We are interested in selling this ranch and are not interested in a Conservation Easement. We look forward to a response from you soon.

Sincerely,

Jim Dreyer

Susan Dreyer

Jim & Susan Dreyer
Star Route Box 435
Greenough, MT. 59836

Telephone 793-5714

EXHIBIT (6)
DATE 2-17-87
HB 526

As a rancher and landowner I have no problem with the Dept. of Fish Wildlife & Parks purchasing land for winter elk range as long as they do so with a multiple use concept such as is being practiced on the Mt. Haggin Game range and on the Fleecer Winter range. As the study's on these game ranges have shown that cattle & elk complement each other when a good management system such as Rest Rotation grazing is used. Good monagment through multiple use is the key to such projects as these.

Greg Lentz
Permittee on Mt. Haggin Game Range

Montana Wildlife

EDUCATION -- CONSERVATION

Montana Wildlife Federation

EXHIBIT (7)
DATE 2-17-87
HB 526

HB 526

WILDLIFE HABITAT PROTECTION FUND

HB 526 WILL PROVIDE:

-- economic diversification for many landowners whose properties offer important wildlife habitat;

-- fair payment (lease or purchase) to willing landowners of such properties;

-- tax breaks (conservation easements) to landowners who wish to manage their properties for wildlife values;

-- funding for on-the-ground maintenance and development of the wildlife management area (fences, other structures, weed control);

-- the opportunity for continued co-operative grazing programs;

-- landowners of such properties the option of leasing such lands to benefit Montanans;

-- landowners the option of selling their land to the benefit of wildlife and Montanans, rather than to developers or non-residents.

-- user fees, in the form of hunting license fee increases, to establish an earmarked fund within Fish, Wildlife & Parks' budget which allows only for this program;

-- approximately (2.1) million dollars over the FY88-89 biennium. + 1.49 = 3.66

-- access for hunting and other recreational activities, as lands are leased to provide corridors to adjoining public lands or purchased allowing for direct access.

HB 526 WILL NOT AFFECT:

-- state budget problems, as the program is self-sufficient and tied directly to user fees;

-- county tax collections, as equal payments in lieu of taxes provide stable revenues for counties;

-- other selling or leasing opportunities available to landowners.

The leasing, purchase, and management of wildlife habitat are, to sportsmen, the most wise and necessary expenditures of hunting and conservation license dollars. MWF believes that HB 526 offers:

-- the best investment possible for present and future wildlife benefits;
-- ~~the most~~ direct method of addressing game damage on private lands, as wildlife management areas provide for winter range needs, reducing pressure on neighboring private land;
-- increased options to landowners;
-- landowners a guarantee that their land will remain intact as a natural unit if they choose to sell, allowing for the integrity of its heritage to be passed on.

PLEASE VOTE YES ON HB 526!!!

EXHIBIT (8)
DATE 2-17-87
HB 526

Representative Orval Ellison, Chmn
Fish and Game Committee
Montana State legislature
Helena, MT

February 17,1987

Chairman Ellison and Members of the Committee:

My name is George Engler. I speak on behalf of the Wildlands & Resources Ass'n of Great Falls, in support of House Bill 526.

Over the past 50 years, through purchase, lease, and conservation easement. the State has acquired nearly 50 wildlife management areas. Because of increasing competition for land, and changing hunting patterns, it is important that acquisition of wildlife habitat be speeded up. This will help to maintain more diverse public hunting opportunities, as well as improved geographical distribution of opportunity. Furthermore, wildlife management areas are becoming increasingly important for other kinds of public recreation. For example, hiking, nature photography, and observing of birds and animal life.

Acquisition of habitat under the Bill would be funded by increased hunting license fees, thus conforming to the principle of "user pays". Also, wildlife management lands pay a sum to the Counties in lieu of taxes, so that an erosion of the County tax base does not result from their conversion to public land.

I urge your support of House Bill 526.

Respectfully,

George N. Engler

George N. Engler
Wildlands & Resources Ass'n
Great Falls, MT

EXHIBIT (9)
DATE 2-17-87
HB 526

Testimony on H. B. 526

Mr. Chairman,

My Name is Lee Fears. I represent the Southeastern Montana Sportsmen Association. We are in support of House Bill 526.

We recognize the need for acquiring quality habitat for protecting our game species for the future. The recreational demand for our game animals is at an all time high. It will only go higher. The need for quality habitat will only become greater. We sportsmen are more than willing to pay the bill for this habitat. It is an investment in the future.

Earmarking of funds is nothing new to the sportsmen of Montana. A portion of our Fishing License fee has been set aside for the purpose of acquiring fishing access sites. I need not remind you how well this system is working.

I again urge you to support House Bill 526. The future of quality sport hunting throughout Montana depends on your decision. Thank you.

Lee Fears

Lee Fears

Southeastern Montana
Sportsmen Association
Box 401
Red Lodge, Montana 59068

WESTERN STATES
COST TO HUNT COMPARISONS
AS OF 1/1/86

DATE 2-17-87

○ = lowest in west HB 526

RESIDENT

STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	$24.00	$69.50	$17.00	$18.00	$11.00		$59.50	$159.50		$9.50
CA	$22.50	$115.00	$25.00	$15.00			$50.00			$15.00
CO	$17.00	$25.00	$25.00	$7.50	$32.00	$200.00	$17.00	$100.00	$100.00	$7.50
ID	$14.50	$20.50	$13.00	$13.00	$17.00	$67.00	$33.50	$67.00	$67.00	$6.50
MT	$11.00	$12.00	$10.00	$5.00	$12.00	$52.00	$8.00	$52.00	$52.00	$6.00
NV	$28.00	$88.00			$23.00		$43.00	$88.00	$63.00	$13.00
NM	$19.00	$38.00	$10.50	$10.50	$10.50		$23.00	$38.00		$9.50
OR	$14.00	$24.00	$13.00	$12.00	$28.00		$18.00	$33.00		$8.00
UT	$15.00	$45.00	$40.00	$13.00	$40.00	$115.00	$40.00	$215.00	$215.00	$12.00
WA	$27.00	$32.00	$27.00	$27.00	$32.00	$162.00		$87.00	$62.00	$20.00
WY	$20.00	$30.00	$15.00	$11.00	$25.00	$55.00	$20.00	$55.00	$55.00	$10.00
AVERAGE	$19.27	$42.95	$19.83	$12.66	$24.38	$108.50	$28.05	$81.66	$87.71	$10.75
MAX	$28.00	$115.00	$40.00	$27.00	$40.00	$200.00	$59.50	$215.00	$215.00	$20.00
MIN	$11.00	$12.00	$10.00	$5.00	$10.50	$52.00	$8.00	$33.00	$52.00	$6.00

NON RES ○ = lowest in west

STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	$131.00	$355.50	$106.00	$106.00	$106.00		$305.50	$805.50		$25.00
CA	$151.75	$151.75	$143.25	$51.75			$86.75			$51.75
CO	$120.00	$210.00	$100.00	$50.00	$185.00		$120.00	$500.00	$500.00	$32.50
ID	$127.50	$227.50	$101.00	$88.00	$126.00	$226.00	$127.50	$226.00	$226.00	$75.50
MT	$102.00	$302.00	$102.00	$5.00	$302.00	$302.00	$102.00	$302.00	$302.00	$32.00
NV	$175.00				$200.00		$325.00	$575.00		$75.00
NM	$146.00	$213.00	$76.00	$76.00	$51.00		$123.00	$373.00		$51.00
OR	$150.00	$187.00	$150.00	$79.00	$225.00		$200.00			$50.00
UT	$120.00	$220.00	$150.00	$43.00	$250.00	$1120.00	$220.00	$1120.00		$40.00
WA	$175.00	$225.00	$275.00	$140.00	$425.00	$425.00		$425.00	$275.00	$133.00
WY	$105.00	$255.00	$55.00	$30.00	$105.00	$305.00	$105.00	$405.00	$505.00	$30.00
AVERAGE	$136.65	$221.25	$128.02	$62.52	$207.66	$475.60	$156.58	$490.75	$361.60	$57.07
MAX	$175.00	$355.50	$275.00	$140.00	$425.00	$1120.00	$325.00	$1120.00	$505.00	$133.00
MIN	$102.00	$151.75	$55.00	$5.00	$51.00	$226.00	$86.75	$226.00	$226.00	$25.00

1. Colorado: Moose is not available to nonresidents.
2. Montana: does not sell a separate elk license. A com bination license that includes elk, deer, bear, fishing, bird, and cons ervation license is $300.00. Under small game, $6.00 and $32.00 is for birds only.
3. Wyoming: Includes $5.00 conservation stamp that is on ly purchased onc e.
4. Utah: Buffalo $215.00 Resident only.

(9)
2-17-87
526

Stillwater Sportsman Association Incorporated

P.O. Box 1022 • Columbus, Montana 59019

February 13, 1987

Mr. Lee Fears
Box 401
Red Lodge, MT 59068

Dear Mr. Fears:

The Stillwater Sportsman Association, Inc. would like to express our support for House Bill 526 and recommend that it be passed at this legislative session. This recommendation is made on behalf of our 85 officers and members.

We feel that most sportsmen would not object to the minimal increases in fees in order to provide conservation easements and sorely needed habitat protection.

Sincerely,

Lynda L. Reese

Lynda L. Reese
Secretary/ Treasurer

MONTANA

CHAPTER

Safari Club International

P.O. BOX 1754 BILLINGS, MONTANA 59103

EXHIBIT (9)
DATE 2-17-87
HB 526

February 15, 1987

House Fish and Game Committee
Helena, Montana

Mr. Chairman and Members of the Committee,

Safari Club International is an organization of trophy hunters dedicated to the preservation of wildlife and the protection of our hunting heritage. There are over 60,000 members internationally, with 77 chapters throughout the world and many international members not affiliated with a chapter. The Montana Chapter has approximately 100 members in harmony with the goals of SCI, and is concerned in particular with the welfare of hunters and hunting in Montana.

Within the last five years the Montana Chapter has donated funds in excess of $30,000 to wildlife projects in Montana. These projects have included the Mill Creek black bear study (which has directly lead to the current quota system proposed for black bears in Region 5), and an $8,000 contribution to Montana Fish, Wildlife and Parks for research and development of the grizzly bear delisting proposal on the East front of the Rocky mountains. SCI has within the last week granted $2,000 to the Montana Chapter to be given to FW&P as matching funds for the grizzly bear study.

Our projects are just further examples of how hunters are willing to spend generously to promote wildlife in Montana and to preserve our hunting heritage for future generations.

House Bill 526 is before you. This bill once again illustrates that hunters are willing to pay. We are asking that you increase our hunting fees. But we are asking that the increase this time be earmarked for a specific purpose: that hunters in Montana will continue to be given access to the wildlife that is the object of their pursuit. As more and more private land is closed to hunting or contracted for commercial hunting purpose, the needs of the average sportsman become more acute. Acquiring habitat will, most importantly, assure that management of large numbers of deer, elk, antelope and the rest of our big game continue to be under the control of the public through the Department of Fish, Wildlife and Parks.

We do not take issue with private attempts to improve and develop wildlife habitat, but we insist that the State of Montana continue to acquire and improve big game habitat in the public interest as well.

Thank you for your time and consideration.

Respectfully yours,

Lance K. Parks, M.D.
President, Montana Chapter
Safari Club International

EXHIBIT (10)
DATE 2-17-87
HB 526

February 17, 1987

I am Pat Simmons from Bozeman and Treasurer of the Montana Wildlife Federation. I urge you to support HB 526 to set up a permanent earmarked wildlife habitat fund.

There are currently 47 wildlife management areas purchased or leased by the Dept of Fish, Wildife & Parks, acquired over the last 49 years in 255 transactions. They range in size from 2 acres to 54,137 at Mt. Haggin south of Anaconda. These 281,087 acres amount to less than 1/3 of 1% of Montana and only 187,994 of that is owned. The 18 elk wintering lands only provide winter range for only 12 to 16% of the public's 80,000 elk. The balance are not protected from man's various types of developments.

Sportsmen and sportswomen paid for all of these purchases and continue to pay for the leases and all the operating costs including payments in lieu of taxes, of these lands so we are good landowners and neighbors. Purchasing of hunting licenses and federal taxes on sporting arms and ammunitions have paid for these purchases, leases and operating expenses. No money comes from the general fund. All sales were from willing sellers.

A similar program exists in the fishery program. Since 1974, $1 of each resident fishing license and $5 from each non resident fishing license has been earmarked for the fishing access site acquisition and operations program. This program has bought over half of the 200 plus fishing access sites in the State.

Dept of Fish, Wildlife & Parks biologist studies have shown that elk use the same winter ranges each year. But winter ranges available amount to only 10% of the summer ranges in Montana. Winter ranges are located in lower elevation foothill areas with southerly or westerly exposures where the wind blows and the sun shines to keep snow depth minimal and the animals can access the grasses. Wildlife Management Areas are managed primarily for wildlife.

The areas are usually closed to the public from the end of the general hunting season until May to minimize disturbance. Other than this, the lands are open for public activities. The Dept of Fish, Wildlife & Parks work very hard on restoring the food by improving the range on wildlife management areas. Sometimes it takes years to repair the damages. It has been very successful. The first Wildlife Mangement Area, Judith River changed from almost no elk in the 1930s to providing winter forage for 700-800 elk and 400 mule deer. The Gallatin Porcupine Wildlife Mangement Area has recovered from losing 200 elk the winter of 1943 to a 350-450 elk wintering area. The Sun River Wildlife Management Area now supports the single largest elk herd in Montana outside Yellowstone National Park.

But even with all these successes it is critical we continue our acquisition plan. There are a number of key winter range lands for sale at low prices. This bill provides for a modest program - only $2 million a year. Since Jim Flynn has been Director of the Dept of Fish, Wildlife & Parks, he has determined that Department buildings are in very poor repair and provide inadequate facilities for Department employees to do their work. Also fish hatcheries and dams have declined in condition, so he has enacted a good progra to restore all the facilities, all using sportsmen money. With all these demands for our monies, including operations of the Department, we find we need to increase the license specifically for wildlife habitat. There is no money elsewhere budgeted in the 1988-89 biennium. But to protect these funds from other requests, we wish to earmark the monies for Wildlife Habitat only, just like the Fishing Access Site Fund. The opportunity may never arise again when the land prices are this low and bargains are available. The growing demand by the public for outdoor recreation, means that we must be farsighted and provide for the wildlife that the public loves to see.

2-17-87
526

The sportsmen throughout the State support this program and are willing to assess themselves to continue a conservative habitat program of 49 years to benefit all the people of Montana. The sportsmen and women in this room who came to Helena from throughout the State to support this bill are just a few of the people who could leave their jobs on a work day to let you know what they feel. The non hunting public will also benefit - those who like to hike and photograph and who love to see elk, deer, moose, antelope and all the small and non game who will live on lands protected primarily for wildlife. The license increases are very modest, averaging $2-3 per license for residents. Hunters realize that a $13 elk license is very reasonable for 3 weeks of entertainment in the outdoors each fall.

The statistics I've mentioned can be substantiated by the Dept of Fish, Wildlife & Parks and are found in the Montana Outdoors Nov/Dec issue "Dedicated to Wildlife".

Thank you for listening and for your vote.

Pat Simmons

EXHIBIT (11)
DATE 2-17-87
HB 526

Dr. Gina McLelland of Clemson University disclosed some results of a recently concluded survey of recreation use in October of 1986. Consider the following predictions in terms of the relationship between wildlife and Montana's economic future.

1. Within the next ten years the 35 to 55 year age group in our population will double. This group spends 25 percent more income on recreation than any other age bracket.

2. Ten percent of the families in the United States now own a recreation vehicle - one that is designed to accommodate overnight occupancy. Within five years 30 percent of all U.S. families will have a recreation vehicle.

Montana's wildlife resources cannot help but be a primary attraction to these Americans with money to spend and a desire to see more of their country.

But in many areas, Montana's critical wildlife habitats are vulnerable to a host of serious threats -- many brought on by short term economic pressures.

The profusion of housing developments in the Flathead and Gallatin Valley are grim reminders of how big game winter range can disappear.

(14)
2-17-87
526

Let's invest now in Montana's wildlife resources by securing those critical habitats before they are lost. As usual, sportsmen will pay the bill and all Americans will profit from HB 526.

John Gibson
Billings Rod & Gun Club
Southeastern Sportsmen Association

Statement by Harry McNeal on HB 526

DATE 2-17-87
HB 526

As a past president and current member of the Montana Wildlife Federation, I support HB 526. It appears from the number of sponsors signing on to this bill, that many Legislators also agree with the content of HB 526.

To the best of my knowledge, license fee increases of the past have always had the support of Montana's organized sportsmen. This support has been in appreciation for professional management of our wildlife resources and agreement that proposed program expansions are needed. We support the expansion proposed in HB 526 because we see the need to secure and protect and perhaps expand habitat areas, especially wintering areas for big game animals.; and we will oppose any amendments that will eliminate the bills authorization to purchase land.

The Dept. of F, W & P has estimated for the 1985 hunting season that about 89,000 Montanans hunted elk with a success rate of 20% and about 191,000 hunted deer with a success rate of 62%. These figures represent about 25% of Montana's population and could easily represent half of our Montana families. With these population figures in mind, it is evident that actions taken by this Legislature that affect wildlife can have a lasting impact on how Montana citizens continue to enjoy and use our wildlife resources.

The Nov/Dec issue of Montana Outdoors says that about 188,000 acres are owned by the Dept. of F,W&P, and used primarily as wildlife management areas in 29 counties. This is only a fraction of 1% of Montana's 90+ million acres, and seems like an insignificant amount to be set aside for a resource as valuable as our big game populations are and can be in the future.

During the current biennium, the F,W&P Dept. budget allocated $1 million for land acquisition, or $500,000/year. The Dept's budget proposal for this next biennium, with approval of the Governor, does not include 1 penney for land acquisition. That $1 million of this biennium has been absorbed into ongoing and increased programs.

Sportsmen believe there is still room for improvement of our fish and wildlife programs, as well as for increases in wildlife numbers. I want to cite just one example: The 1985 Draft Environmental Impact Statement prepared by the Gallatin

National Forest (p. III-28) provides this information - 9,800 elk and 13,000 deer currently inhabit the Gallatin Natl. Forest and adjacent or intermingled private lands. Of the 9,800 elk, about 5,600 winter on Natl. Forest and the remaining 4,200 winter on State (Porcupine, Bear Creek) and private lands in and adjacent to the Forest boundary. Most of the deer winter on Burlington Northern and private land.

The impact statement goes on to say that summer range on the Forest is estimated to be capable of supporting as many as 32,000 elk. If this estimate is correct, then it becomes obvious that we are short changing Montana citizens a potential 20,000 animals by failing to provide adequate habitat for 3-5 months during the winter. Other Forests in Montana can probably provide similar data.

If sportsmen are willing to pay for programs that will continue to increase wildlife populations, and if recreation based on wildlife commercialization is as profitable to Montana's economy as has been portrayed by special interests before this committee the past 2 or 3 weeks, then I would suppose there will be little opposition to HB 526.

In summary, HB 526 has the potential to:

1. Reduce wildlife damage on privately-owned lands
2. To provide money for purchase of land from those who want Fish & Game to own their land for the benefit of wildlife
3. To provide additional access to adjacent public lands
4. And to expand recreational opportunities in Montana.

BRIEF COMMENTS ON H.B. 526
BEFORE THE HOUSE FISH AND GAME COMMITTEE
FEB. 17, 1987, HELENA, MONTANA
By: PAUL F. BERG

EXHIBIT (13)
DATE 2-17-87
HB 526

Mr. Chairman and members of the Committee. I am Paul F. Berg. I represent 14 sportsman's clubs and 5,900 Montana Sportsmen.

We strongly support H.B. 526. My attached statement supporting this bill is rather detailed and complex. Therefore, I offer the following general comments for your consideration.

1. Hunting is a major recreational activity enjoyed by many residents and nonresidents.

2. Hunting produces great economic and aesthetic benefits for the people of Montana and our visitors.

3. I have devoted my entire professional life to wildlife research and management, and I know that habitat is the key to survival and perpetuation of our wildlife resources and hunting opportunities in Montana.

4. Passage of H.B. 526 would result in acquisition, easement, protection, and management of habitats vitally needed by many important wildlife species.

5. Hunters will pay for these habitats through license fee increases only if the money collected is earmarked for these purposes, because this has the greatest potential for increasing wildlife populations and hunting opportunities statewide.

6. Habitat acquisition, easements, and leasing under this bill will not cost the general public anything.

7. Everyone will benefit from these actions by hunters.

8. If we do not acquire these critically needed wildlife habitats soon, Montana will lose a significant part of its wildlife and associated hunting opportunity, economic benefits, and aesthetic values.

. We should not let that happen.

. We urge that H.B. 526 be passed.

Thank you,

Paul F. Berg

Paul F. Berg
3708 Harry Cooper Place
Billings, MT. 59106
Phone: 656-2015

BEFORE THE HOUSE FISH AND GAME COMMITTEE, FEB. 17, 1987, 2-17-87
HELENA, MONTANA, by Paul F. Berg *, 3708 Harry Cooper Place
Billings, MT. 59106, Phone: 656-2015 HB 526

Mr. Chairman and members of the Committee, I am Paul F. Berg, Legislative Committees, Billings Rod and Gun Club and Southeastern Sportsman Association. I represent 9 clubs and 5,000 Montana Sportsmen; also, the Sierra Club (Yellowstone Basin Group), Rosebud/Treasure Wildlife Association, Billings Roughriders, Magic City 4 Wheelers, and Rimrock 4X4 clubs; another 5 clubs and 900 sportsmen, concur with my statement.

We strongly support H.B. 526 because it would help accomplish our longstanding objective of having MDFWP acquire and manage critically needed habitats for many wildlife species in Montana before they are destroyed by land developments.

All Montanans and visitors who enjoy wildlife -- hikers, photographers, campers, bird watchers, tourists, etc. -- in addition to hunters, would benefit.

Hunters are willing to pay for these habitats through the hunting license fee increases listed in the bill because the money collected will be earmarked and used exclusively for habitat acquisition, lease, or conservation easements, and development and maintenance.

The MDFWP currently owns or leases 47 wildlife management areas comprising 280,000 acres which provide vital habitat for elk, deer, ducks, geese, pheasants, grouse, and many other forms of wildlife, Each of these areas protect important wildlife habitat that might otherwise disappear from the Montana landscape.

All of these areas were purchased with money collected since 1937 from a 11% tax on sporting arms and equipment, and from hunting license fees.

Money needed to acquire wildlife habitats has always been difficult to get in past years, and the problem is now super critical.

Time does not permit analysis of all habitats critically needed by all wildlife species throughout our state, but all are equally important to all Montanans and our visitors and must be considered in this bill.

For the above reason, the following analysis focuses on elk and deer, hunter opportunity, and associated economic benefits.

Nineteen of these wildlife management areas, comprising 235,000 acres, winter about 10% of the estimated 100,000 elk and 2% of the estimated 500,000 deer in Montana. The remainder of the elk and deer winter on a mixture of Forest Service, Bureau of Land Management, National Park Service, State School Land, and Burlington Northern, Champion International, and other private lands. A few elk and many deer winter exclusively on privately owned ranches.

About 80% of our elk and 20% of our deer are harvested by hunters on public land, mostly National Forests.

Snow forces big game animals out of the high forest country onto lower elevation winter ranges located mostly on private property. They spend about 4 months there each winter.

Big game numbers are limited by the amount of winter range available. Summer and fall ranges are abundant.

---

* Paul F. Berg attended the U. of Alaska; received his B.S. from the U. of M.; M.S. from M.S.U.; retired from the U.S. Fish and Wildlife Service in 1980.

We have identified 32 critically needed elk and deer winter ranges comprising about 155,000 acres. If the MDFWP does not get control of these 32 winter ranges, which are threatened with imminent destruction by homesite developments, oil, gas and mining activities, and other causes, the 11,000 elk and 13,000 deer that depend upon them for winter food and survival will be lost from the populations within a few years. 526

If MDFWP owned or leased and managed the 32 winter ranges, elk and deer carrying capacities could be at least doubled from 11,000 to 22,000 elk, and from 13,000 to 26,000 deer.

The $8.3 million total hunter expenditures (Table 1) would double to $16.6 million annually -- a direct result of acquisition and/or conservation easements and management of the 32 winter ranges.

Conversely, the big game animals, hunter use, and associated expenditures would be lost in a few years if we do nothing to get control of the 32 areas by the MDFWP.

Every hunter spent dollar generates 2.5 additional dollars in the economy. Therefore, $16.6 million X 2.5 = $41.5 million to the state's economy -- all a direct result of hunter expenditures generated from the 11,000 elk and 13,000 deer that winter on the 32 winter ranges each year!

TABLE 1. Summary of 1982 hunter harvest and expenditures resulting from the elk and deer that depend upon the 32 winter ranges discussed in text.

Hunter Type/Species	Number Animals Harvested	Hunter Days to Harvest @ Elk/Deer	Total Hunter Days	Average Hunter Day Expenditure	Total Hunter Expenditures	Remarks
Resident/Elk	1,452	48	69,696	$ 62	$4,321,152	See Exh. I
Nonres/Elk	393	34	13,022	198	2,578,356	See Exh. II
Resident/Deer	2,763	8.3	22,933	44	1,009,052	See Exh. II
Nonres/Deer	455	7.7	3,504	114	399,456	See Exh. IV
Totals	5,063		109,155		$8,308,016	

Where do the hunters' dollars go? They go into cash registers in many towns throughout Montana -- for guns, ammunition, supplies, camping gear, guide services, groceries, gasoline, motels, restaurants, etc.

These dollars are difficult to identify because they are scattered all over the state. Therefore, some towns may not recognize the importance of hunter dollars.

It is essential that the bill contain the authority to acquire the 32 big game winter ranges and other wildlife habitats throughout Montana by purchase, lease or conservation easement as they become available. This would provide the MDFWP with the flexibility it must have to pursue either route as an individual landowner may wish.

State acquisition of these habitats would not significantly alter the tax income to the counties because of the payment in lieu of taxes laws.

Adjacent private property would be protected from wildlife depredations by fencing and other management practices provided for in the bill.

The opportunity to comment is appreciated.

Paul F. Berg

Attachments

Paul F. Berg

EXHIBIT I - RESIDENT ELK HUNTERS - 1982

1. Basic information (from MDFWP)

   75,831 hunters devoted 532,800 hunter days and spent $62 per average day to harvest 11,078 elk from the 100,000 elk in Montana. Herd increase by calf production is 20% annually.

2. Hunter use and harvest - statewide

   A. $\frac{532,800 \text{ hunter days}}{11,078 \text{ elk harvested}}$ = 48 hunter days to harvest 1 elk.

   B. 48 hunter days X $62 per average hunter day = $2,976 to harvest 1 elk.

   C. $\frac{11,078 \text{ elk harvested}}{100,000 \text{ elk in state}}$ = 11% hunter harvest.

3. Economic analysis of the 11,000 elk that depend upon the 32 winter ranges for survival for about 4 months.

   A. 11,000 elk on winter range increase by 20% calf production to 13,200 elk on fall hunting areas.

   B. 13,200 elk X 11% hunter harvest = 1,452 elk harvested.

   C. 1,452 elk harvested X 48 hunter days = 69,696 hunter days X $62 = $4,321,152 spent to harvest the 1,452 elk.

EXHIBIT II - NONRESIDENT ELK HUNTERS - 1982

1. Basic information (from MDFWP)

   14,321 hunters devoted 100,646 hunter days and spent $198 per average hunter day to harvest 2,949 elk from the 100,000 elk in Montana. Herd increase by calf production is 20% annually.

2. Hunter use and harvest - statewide

   A. $\frac{100,646 \text{ hunter days}}{2,949 \text{ elk harvested}}$ = 34 hunter days to harvest 1 elk.

   B. 34 hunter days X $198 per average hunter day = $6,732 to harvest 1 elk.

   C. $\frac{2,949 \text{ elk harvested}}{100,000 \text{ elk in state}}$ = 2.9% hunter harvest.

3. Economic analysis of the 11,000 elk that depend upon the 32 winter ranges for survival for about 4 months.

   A. 11,000 elk on winter range increased by 20% calf production to 13,200 elk on fall hunting areas.

   B. 13,200 elk X 2.9% hunter harvest = 383 elk harvested.

   C. 383 elk harvested X 34 hunter days = 13,022 hunter days X $198 = $2,578,356 spent to harvest the 383 elk.

EXHIBIT (13)
DATE 2-17-87
HB 526

EXHIBIT III - RESIDENT DEER HUNTERS - 1982

1. Basic information (from MDFWP)

   139,905 hunters devoted 719,458 hunter days and spent $44 per average day to harvest 86,404 deer from the 500,000 deer in Montana. Herd increase by fawn production is 25% annually.

2. Hunter use and harvest - statewide

   A. $\frac{719,458 \text{ hunter days}}{86,404 \text{ deer harvested}} = 8.3$ hunter days to harvest 1 deer.

   B. 8.3 hunter days X $44 per average hunter day = $365 to harvest 1 deer.

   C. $\frac{86,404 \text{ deer harvested}}{500,000 \text{ deer in state}} = 17\%$ hunter harvest.

3. Economic analysis of the 13,000 deer that depend upon the 32 winter ranges for survival for about 4 months.

   A. 13,000 deer on winter range increased by 25% fawn production to 16,250 deer on fall hunting areas.

   B. 16,250 deer X 17% hunter harvest = 2,763 deer harvested.

   C. 2,763 deer harvested X 8.3 hunter days = 22,933 hunter days X $44 = $1,009,052 spent to harvest the 2,763 deer.

EXHIBIT IV - NONRESIDENT DEER HUNTERS - 1982

1. Basic information (from MDFWP)

   20,172 hunters devoted 106,958 hunter days and spent $114 per average day to harvest 13,936 deer from the 500,000 deer in Montana. Herd increase by fawn production is 25% annually.

2. Hunter use and harvest - statewide

   A. $\frac{106,958 \text{ hunter days}}{13,936 \text{ deer harvested}} = 7.7$ hunter days to harvest 1 deer.

   B. 7.7 hunter days X $114 per average hunter day = $878 to harvest 1 deer.

   C. $\frac{13,936 \text{ deer harvested}}{500,000 \text{ deer in state}} = 2.8\%$ hunter harvest

3. Economic analysis of the 13,000 deer that depend upon the 32 winter ranges for survival for about 4 months.

   A. 13,000 deer on winter range increased by 25% fawn production to 16,250 deer on fall hunting areas.

   B. 16,250 deer X 2.8% hunter harvest = 455 deer harvested.

   C. 455 deer harvested X 7.7 hunter days = 3,504 hunter days X $114 = $399,456 spent to harvest the 455 deer.

EXHIBIT (H)
DATE 2-17-87
HB 526

SMITH 6 BAR S LIVESTOCK
P. O. BOX 107
GLEN, MONTANA 59732
406-835-6441

February 16, 1987

To: The House Fish & Game Committee
Mr. Orville Ellison, Chairman

For the past six years we have been grazing cattle on the Fleecer game range in southwestern Montana on an exhange-of-use agreement with the MFW&P Department. This plan has worked well for both parties..

Before implementation of this exchange-of-use program, there was extensive elk use on our rangeland which is adjacent to the Fleecer game range. This use was particularly heavy during the spring months before the elk left for higher country.

For the most part, since cattle have been put on the game range, we have not had the extensive problems with elk that we experienced in the past. The damage done by the elk herd has been compensated for, to some extent, by the exchange-of-use grazing agreement.

I would support HB 526 if in fact the MFW&P Department would allow grazing, where practical, by domestic livestock on existing game ranges, as well as on the new lands they will acquire..

Such a policy would be very beneficial because:

a) Some ranchers experiencing financial problems may be able to sell some of their land.

b) Access to private land would become more available to the sportsman/hunter if ranchers were able to graze the game ranges.

c) It can result in a better landowner - sportsman relationship as each has a clearer understanding of the others interests and concerns.

Since we have been able to work out an equitable agreement with the MFW&P, we feel that such agreements could work just as well elsewhere.

Sincerely,

E. Maynard Smith

E. Maynard Smith, President
Smith 6-S Livestock

Presented By
Skyline Sportsman
Butte

(15)
2-17-87
526

MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS

420 North California St.
Helena, Montana 59601
(406) 442-3420

John Pfaff, President ..... Miles City
Sever Enkerud, Vice President ..... Glasgow
Stuart Doggett, Executive Secretary ..... Helena

DIRECTORS
Bill Alms ..... Ismay
Lynn Cornwell ..... Glasgow
Mark Davies ..... Chinook
Joe Eckhart ..... Glasgow
Jack Hughes ..... Grassrange

HB 526

My name is Kim Enkerud and I am representing the Montana Association of State Grazing Districts.

This bill states as one of its points, that acquisition of lands suitable for wildlife habitat is necessary to protect and enhance this habitat.

We feel the State of Montana does not need to own more land.

There are many other ways to protect and enhance habitat. In fact, the ranchers and farmers on whose private land you find most wildlife are prime examples of enhancing wildlife habitat. Instead of buying land, maybe the ranchers and farmers could be paid for the use of their land by the same increase in hunting license fees.

We do not want to jeopardize a willing buyer-willing seller arrangement, but we feel the State of Montana should not be in the real estate business.

In Monday's Great Falls Tribune, there was an article about turning 15,000 square miles of eastern Montana into a giant wildlife range called the "Big Open". Funding for this was planned to come from the sale of hunting permits. Passage of this bill just might get this "Big Open" started.

We urge the committee to do not pass HB 526.

Thank you.

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
HOUSE OF REPRESENTATIVES
50TH LEGISLATIVE SESSION

March 17, 1987

The meeting of the Fish and Game Committee was called to order by Chairman Orval Ellison on March 17, 1987, at 5:30 p.m. in Room 312 of the State Capitol.

ROLL CALL: All committee members were present with the exception of Reps. Pavlovich, Daily, Moore and DeMars who were all excused.

EXECUTIVE SESSION

HOUSE BILL NO. 526: Rep. Cobb distributed copies of the amendments and the Statement of Intent to HB 526 (Exhibits 1 and 2). He then moved HB 526 DO PASS and moved the amendments for the purpose of discussion.

Rep. Cobb reported the subcommittee's recommendation and reviewed the Statement of Intent. He stated basically the Fish and Game had been working on a plan to purchase land or look at land that may be acquired. The Statement of Intent directed the Fish and Game on what they should do; however, it was pretty much what they were doing already. It was suggested they should at least try to get a conservation easement, if they were to purchase land and they should try to release those conservation easements first, but if they found a willing seller, they had the right to make an overall plan to identify habitat needs by administrative region and compile those needs in a consolidated statewide habitat acquisition plan.

The rules must ensure that acquired interests in habitat lands were reasonably distributed around the state in accordance with the statewide habitat acquisition plan. Rep. Cobb moved the Statement of Intent for HB 526 DO PASS. Question was called. The motion CARRIED unanimously.

Rep. Cobb moved the amendments to HB 526 that actually went in the bill and explained what they did. See (Exhibit 2). He explained the first page of amendments applied to wildlife habitat which asked the Fish and Game that before they bought any land, they established a statewide policy and do a comprehensive analysis of wildlife populations and use associated with the property, goals, potential value of the land, potential impacts to adjacent land resulting from proposed management goals and plans to address such impacts, a land maintenance program, and finally any other matter

considered necessary or appropriate by the commission. It also included public review of any proposed acquisition which must be made available. Currently, in the bill, only 10% of the monies was going to the trust fund and the interest from the money in the trust fund was used to maintain those lands. The subcommittee felt at least 20% of those monies should go into that trust fund, so more money would be available to use for maintenance of the land. The bill terminates on March 1, 1994, at which time they could take another look at it and see how they had done. Basically, what the amendments are doing is saying they have a plan in order to buy lands and they must address or at least look at the impacts. Secondly, put more money into the trust fund so there would be more money for maintenance of the lands. The entire act terminates on March 1, 1994, so they can come back in the 1993 session, look at how it has been going, and reevaluate if necessary.

Question was called on the amendments. The motion CARRIED unanimously.

Rep. Rapp-Svrcek moved HB 526 DO PASS AS AMENDED.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 526: Rep. Cobb moved to amend HB 526 by cutting the increase in fees by half, except in the cases where it came out to approximately $1.50 which would then be rounded to the higher number. He stated two years ago the legislature gave the Fish and Game money. They did not really give them $1 million dollars of Fish and Game license money to buy land but, in essence, they gave them $250,000 plus they had matching funds $3 to $1 from the federal government, as they do presently. In HB 526, they are going to give them half the monies, which would be about $1.5 million every two years and if they can match that with $1 of Fish and Game money, with $3 of federal money, would give them quite a lot of money to buy more lands. In accordance with SB 320 heard earlier in committee, BPA was going to give the Fish and Game $1 million each for the next ten years. He stated his main reason for cutting the fees in half were, when you look at the conservation easements in the Northwest part of Montana for buying lands and increasing the herds, there already exists that $1 million from BPA being used in that area every year.

Rep. Brandewie stated on Page 4, line 24, he felt the $40 fee should be $30 due to the fact the price of a bird license was just raised to $23 for nonresidents and will make it $63 total which did not seem appropriate and felt $53 was more in line.

Rep. Cobb asked that he simply amend Rep. Brandewie's amendment into his if there was no objection. Rep. Brandewie and the rest of the committee had no objections to this.

Rep. Driscoll stated he felt the money that was raised by this, as he understood it, would have to come back to the legislature to tell them what they were going to buy with it. If the legislature decided they did not want to buy or have a conservation easement of funds, he thought they should allow the increases established in the bill and if the legislature decided they had too much money, they could cut it back then. He pointed out they needed to get started on purchasing the access.

Rep. Giacometto stated he did understand the proposed amendment; however, under the bill he wondered if the amount of money they raised was not subject for review until after they had done something with it. He also wondered if they could not go out and purchase the land without review.

Rep. Cobb stated that was correct, because they had given them $1 million dollars to buy something and it was time to find out what they bought. However, they could authorize the money ahead of time for purchasing the lands, because they did not have to see what they bought until they came back and saw what they purchased.

Rep. Giacometto stated he still needed clarification regarding, if the bill passed with the amendment, if it would mean less money. However, they could still purchase the conservation easements and obtain their access rights but would not be subject to review until after they had purchased it. He asked Rep. Cobb if that was correct.

Rep. Grady stated in subcommittee, Jim Flynn stated all it did was provide the money to go into the fund. They cannot spend the money until they went back through the legislative process and had the authority to spend the money.

Rep. Cobb stated that was correct. However, when they gave the appropriation they did not specifically state they wanted to buy land. Presently, they had not done that and last session, they gave them $1 million to buy land. However, they did not say they wanted to buy those acres but indeed, came and asked for the appropriation. They did not see what they bought until after they bought it. In this bill, it says nothing about the legislature approving any lands they bought. They were telling them that they want the commission to decide what lands they had to buy.

Rep. Bulger spoke against the amendment stating if that turned out to be right, and there were matching funds available, it was news to him. He said there was nothing brought out in committee hearings or testimony that the matching funds were even available and felt the fees should be left as they were.

Rep. Grady stated he opposed the amendment and pointed out what was being looked at with this type of proposal was some larger tracts of land that elk winter on and felt, as Mr. Flynn addressed, there were some larger tracts of land that had come up at different times that they would have a chance to buy. They were talking a substantial sum of money and what they were trying to do with the bill was establish enough money. It had been brought out that everyone thinks the Fish and Game has got all kinds of money but they really do not. There are certain times of the year when they are almost down to nothing and other times of the year they do have excess. They try to keep about a $2.5 million excess all the time as a cushion and felt the department was doing a good job. To his knowledge, they had never had to request any money out of the general fund and felt that was what they were trying to do there, establish another account to purchase this type fund. Also, it must be remembered these are large tracts of land considered large purchases, such as winter range for elk and land that could be used for multi-purpose concepts.

Rep. Cobb stated he would close by stating the reason he would like to cut the fees in half was that the Fish and Game had plenty of money. They spend $50 million every two years and look at what they were doing. They are building buildings with it. They have built two brand new buildings and they have plenty of money. However, if they came in at any time and asked for matching funds, there would have to be different priorities set and his objection was they are always asking to increase license fees. What you see from the increase is 60% going for administration costs. Even the Montana Wildlife Federation had an audit done and felt the money was not being spent correctly. It was being spent for administrative purposes and what he could not understand was why the Fish and Game could never change their priorities. If anything has to be done at the Fish and Game like buy lands, then they go and raise the license fees. There are matching funds available in that they received $2.8 million each two years from the federal government to buy lands which they do not do and usually end up using it for administrative purposes. He stated the most important thing they need to do is start changing their priorities, instead of taking advantage of the sportsmen.

Question was called on Rep. Cobb's amendment and a roll call vote was taken. The motion failed on a 9-9 tie vote.

Chairman Ellison stated the committee was now back to the body of the bill.

Rep. Jenkins made a substitute motion to TABLE HB 526. Question was called. A roll call vote was taken. The motion failed on a 9-9 tie vote.

Rep. Cobb recommended he make the motion DO PASS and simply reverse the vote, meaning it would be left as a 9-9 tie vote for the DO PASS motion, and they could at least get it to the House floor.

Chairman Ellison stated if there were no objections from the committee, the last vote would be reversed to a DO PASS and would be left as that and they would most likely work with it to get it to the floor of the House.

There were no objections from the committee and the vote was reversed to a DO PASS.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 6:10 p.m.

Orval S Ellison
ORVAL ELLISON, Chairman

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE MARCH 17,1987 BILL NO. HB 526 TIME 5:53 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE		X	
TOM BULGER			X
JOHN COBB		X	
FRITZ DAILY			X
GENE DEMARS			X
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY			X
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK			X
BOB REAM			X
TALLY		9	9

Lisa A Routzl
Secretary

Orval S Ellison
Chairman

MOTION: Rep. Cobb moved to decrease all fees by cutting them in half. Question being called, a roll call vote was taken. The motion failed on a 9-9 tie vote.

ROLL CALL VOTE

HOUSE COMMITTEE FISH & GAME

DATE March 17, 1987 BILL NO. HB 526 TIME 5:59 p.m.

NAME	EXCUSED	AYE	NAY
ORVAL ELLISON, CHAIRMAN		X	
MARION HANSON, V. CHAIRMAN		X	
RAY BRANDEWIE		X	
TOM BULGER			X
JOHN COBB		X	
FRITZ DAILY			X
GENE DEMARS			X
JERRY DRISCOLL			X
LEO GIACOMETTO		X	
ED GRADY			X
LOREN JENKINS		X	
VERNON KELLER		X	
JANET MOORE			X
BOB PAVLOVICH			X
MARY LOU PETERSON		X	
JOHN PHILLIPS		X	
PAUL RAPP-SVRCEK			X
BOB REAM			X
TALLY		9	9

Lisa Roskel
Secretary

Orval L Ellison
Chairman

MOTION: Rep. Jenkins moved to TABLE HB 526. Question being called, a roll call vote was taken. The motion failed on a 9-9 tie vote.

EXHIBIT (1)
DATE 3-17-87
HB 526

50th Legislature LC 726

STATEMENT OF INTENT

House Bill 526

House Bill No. 526 requires a statement of intent because section 1 requires the fish and game commission to adopt rules establishing its policy regarding wildlife habitat acquisitions provided for by this act.

It is the intent of this act to provide a means for the department of fish, wildlife, and parks to acquire an interest in land for the purpose of protecting and enhancing wildlife habitat. Such interest in land must be gained by the purchase of leases, conservation easements, or fee title. While it is preferable to acquire such interest through lease or conservation easement, the legislature acknowledges that the willing seller will determine the manner by which such interest is obtained and thus provides for all three alternatives.

It is intended that the rules will address policy considerations for making acquisitions generally, as well as establishing procedures for determining in each case of a proposed acquisition whether the interest will be acquired. It is intended that the commission identify habitat needs by administrative region and compile these needs in a consolidated statewide habitat acquisition plan. The rules must ensure that acquired interests in habitat lands are reasonably distributed

EXHIBIT (1)
DATE 3-17-87
HB 526.

around the state in accordance with the statewide habitat acquisition plan.

It is intended that the department exercise good land management practices on all land acquired, and multiple uses of such land when not detrimental to its value as wildlife habitat are specifically authorized. The department shall identify management objectives for each proposed acquisition, analyze potential impacts to adjacent private land resulting from those objectives, and develop plans to address such impacts.

A public hearing must be held in the area of each proposed acquisition after the required analysis has been completed by the department, for the purpose of obtaining comment from the interested public. The analysis and related public concerns are to be presented to the fish and game commission prior to its final action on any acquisition of interest and also to the board of land commissioners if that body is required to make a decision on the proposal under 87-1-209.

The policy and an analysis for each proposal acted upon in a biennium must be presented to the members of both the house and senate fish and game committees when they next meet in regular session.

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EXHIBIT (2)
DATE 3-17-87
HB 526

Amendments to HB 526 (introduced bill)

1. Title, line 9.
Strike: "87-1-301,"

2. Title, line 11.
Following: "MCA;"
Strike: "AND"

3. Title, line 12.
Following: "DATE"
Insert: "; AND PROVIDING A TERMINATION DATE"

4. Page 1, line 22 through line 23 on page 2.
Following: line 21
Strike: Section 1 in its entirety
Insert: "NEW SECTION. Section 1. Acquisition of wildlife habitat--rules. (1) Before acquisition of any interest in land for the primary purpose of securing wildlife habitat the commission shall by rule establish a policy for making such acquisitions. With regard to any specific acquisition the policy shall provide for a comprehensive analysis of:

(a) the wildlife populations and use currently associated with the property;

(b) the potential value of the land for protection, preservation, and propagation of wildlife;

(c) management goals proposed for the land and wildlife populations, and where feasible, any additional uses of the land such as livestock grazing or timber harvest;

(d) any potential impacts to adjacent private land resulting from proposed management goals, and plans to address such impacts;

(e) a land maintenance program to control weeds and maintain roads and fences; and

(f) any other matter considered necessary or appropriate by the commission.

(2) The analysis made of any proposed acquisition must be made available for review by each owner of land adjacent to the property that is the subject of analysis, and to any member of the public. A public hearing must be held in the affected area after the analysis has been made available to the public."

5. Page 4, line 4.
Strike: "Ninety"
Insert: "Eighty"

6. Page 4, line 7.
Strike: "87-1-301(8)"
Insert: "87-1-209"

7. Page 4, line 8.

EXHIBIT (2)
DATE 3-17-87
HB 526

Strike: "Ten"
Insert: "Twenty"

8. Page 11, line 17.
Strike: "Section 2 is"
Insert: "Sections 1 and 2 are"

9. Page 11, line 19.
Strike: "section 2"
Insert: "sections 1 and 2"

10. Page 11, line 20.
Following: "date"
Insert: "--termination date"

11. Page 11, line 21.
Following: "1988"
Insert: ", and terminates March 1, 1994"

dc\amd2-526\legal

aside, the department realized the subject would be controversial. Historic data was developed concerning the 5,600 assuming a testing in court would take place. The historic data proved to be the foundation of a favorable court decision. The department has concern with the 2,000 landowner set aside because there is not sufficient data on past activity, and has concern on negative or positive impact.

Senator Yellowtail stated Eastern Montanans expect to be able and willing to guarantee licenses to out-of-state friends as landowners. Yellowtail stated that the court and the Legislature must be convinced that there is rational for the 2,000 number. Yellowtail asked how the 2,000 should be administered if the bill passed as proposed. The department would verify the fact that the Montanan was a landowner. and a drawing would take place.

Representative Ellison stated that the out-of-state hunters are vital to Montana and HB 535 would provided revenue to the state of Montana.

CONSIDERATION OF HOUSE BILL 526: Representative Ted Schye, House District 18, stated that he is a landowner, sportsman and farmer. The bill allows the Fish, Wildlife, and Parks Department to raise the fees for three options for land: conservation easements, leases or to acquire the land through fee title if conservation easements or leases are not available. This is an important piece of legislation for land owners and for the sportsman. Schye stated that he is a strong believer in landowner's rights, but the state of Montana is getting a wedge driven between the landowners and the sportsmen. Schye feel the admendments put on in the House of Representatives are very strong, as is the Statement of Intent. The Statement of Intent states that it is preferable to lease the land or to obtain the conservation easements, but if the willing seller wants to sell the land, the Fish, Wildlife and Parks can buy the land. If the land is bought, the Department must complete a more detailed process than what is currently necessary. The bill puts public hearings in the areas that the land is acquired, and gives management plans to all adjoining land owners. The Statement of Intent directs that the land be apportioned throughout the state. Section one of the bill gives protection to the landowner and the adjacent landowners. The public hearing are in law. The fees are raised, the people that use the land will pay for the land. The money does not come from the General Fund. The proposed bill allows the state to have the revenue to take care of the land. Eighty percent of the money goes towards the purchase or easements and twenty percent goes into the Trust Fund for maintenance for roads and weed control. The bill will sunset on March 1, 1994,

Representative Ed Grady, House District No. 47, stated the bill is a multipurpose bill that addresses many issues that would not create difficulties for land owners that adjoin the acquired land. Consideration was made concerning the increase of wildlife which is considered to have a ten percent increase. The land that would be obtained would be winter range areas, calfing areas, and adjoining areas. The particular areas will concentrate the game. Mount Hagen is an example. The Department, according to Flynn, has acquired interest in land for wildlife for the past seven years. The current program utilizes muliple use with the wildlife given first consideration.

PROPONENTS

Representative Red Menahan, House District No. 67, stated that the demand for future generation requires consideration of the bill in order to facilitate the sportsman who would like to spend their money in the interest of wildlife.

Jim Flynn, Director of Fish, Wildlife and Parks, provided the committee with written testimoney. (Exhibit 15)

Jim Hubbard, Bozeman, MT, stated that his private ranch is an example of good elk habitat. It is located north of Gardiner at Tom Miner Basin. Hubbard, an outfitter, booked 88 hunters, but could have booked 200 hunters; a loss of $132,500 which was returned. This amount of money would have made a ranch payment. If the ranch is lost because of lack of business in the outfitting business, the ranch can be sold to large, out-of-state corporations, religious affiliations, or to the federal government. Hubbard urged that the legislation be such that the ranch could be sold within the state of Montana with control. The habitat of 11,000 acres in one block next to Yellowstone Park should be acquired by the state should it have to be sold because of the inability of Hubbard to make the payment.

Jeanne Klobnak, Montana Wildlife Federation, supports HB 526.

Weed Labond, President of the Gardiner Chamber of Commerce, stated that the passage of HB 526 will benefit the Gardiner area because the land acquired will help the wildlife and will improve hunting. This will attract hunters to Park County and thereby bring revenue into the area.

Frank Rigler, Corbin Springs, Montana, offered written testimony. (Exhibit 16)

Michael Art, Chico Hot Springs' proprietor and past president of Livingston's Chamber of Commerce, stated that he is in support of HB 526 because the bill promotes tourism. Tourism is extremely and desperately needed and as long as there are proper controls, wildlife activities should be encouraged.

Ken Frasier, President of the Montana Wildlife Federation stated that HB 526 is the most significant bill that affects sportsmen because it sets aside habitat for wildlife. Sportsmen are willing to pay for the habitat, and therefore, there will be no costs to the state. A provision has been directed towards administrative costs. The bill will encourage the tourism industry.

Lee Fears who represents 3,200 members of the Southeastern Montana Sportsmen's Association, stated support of HB 526. The association recognizes the need for acquiring quality habitat for portecting game species for the future. The recreational demand for the game animals is at an all time high. The sportsmen are willing to pay the bill for the habitat; an investment for the future. Earmarking of funds is not new to Montana. A portion of fishing licenses fees has been set aside to acquire fishing access sites and the system is successful. Mr. Fears urged the committee to support the bill.

Gary Marbit, Chairman of the Legislative Committee for the Western Montana Fish and Game Association, stated approval of weed control management and a preference for leases and easements of private property as opposed to outright purchase. Mr. Marbit stated that other problems were worked out in the House Fish and Game Committee to make the bill stronger and offered consideration of a preference concerning lands that already exists under public ownership before going to the private sector for land acquisition. Bill Bigalow, National Rife Association, encouraged Marbit to suggest language in the bill that would guarantee access by sportsmen and hunters to a substantial portion of the land that is managed for wildlife habitat.

Scott Ross, Montana Bowhunters' Association, stated support of Housbe Bill 526.

Craig Finty, Central Montana Sportsmen-Landowner Advisory Council, stated that landowners involved with the council feel comfortable about HB 526 and urged support.

Jim Phelps, Montana Audubon Legislative Organization, supports the bill for above named reasons.

Stan Bradshaw, Montana Council of Trout Unlimited, stood in support of HB 526.

Paul Berg, Billings' Rod and Gun Club and Sierra Club stated support of HB 526.

Don Miller, Helena, suggested that the presidents of approximately fifteen sports clubs, including the Montana Wildlife Federation, be included in the decisions of where and how the revenue is spent.

Jack Atcheson, Butte, MT, stated that one of the problems with the nonresidents is the fact that the licenses are too cheap. Having booked over 20,000 hunting trips, Atcheson stated the major reasons people choose to hunt in Montana is the fact that the combination license is cheaper than any other state.

Senator Smith closed the hearing to proponents.

OPPONENTS

Roger Lincoln, Hill County dry land farmer, stated opposition to HB 526. The Department of Fish, Wildlife and Parks presently own 189,256 acres in Montana. Thirty-nine percent was purchased in the last 10 years. The department leases 96,942 acres, which is a thirty-four percent increase in the last 10 years. When the state government purchases land and the land is taken off the tax roll, there is a multiple, detrimental effect. The tax base of the counties are eroded. The production from the land, whether it is cattle or grain, is not taxed. The previous operation is no longer paying income tax, nor are the previous employees. Lincoln stated ownership of a Toole County farm that borders the southern edge of Tiber Reservoir. When the dam was built in the 1950's, the river bottom was subjected to condemnation proceedings and became federal land. Later, the land was managed by the Department of Fish, Wildlife and Parks which built a four wire fence around the lake to enhance wildlife habitat at a contracted price of $5,000 per mile. To date, the fence has been "patch worked" and a nuisance to ranchers who water livestock. The project has not enhanced the wildlife in the area, there are fewer deer than in the past. Lincoln suggested that the department handle the land that is currently under the Department's jurisdiction. Recent figures released by the USDA shows that 1.2 million acres of highly eroded farm land in Montana will be taken out of production and placed in conservation through the Conservation Reserve Program and planted to grass and trees. The land will be along river breaks and areas already inhabited by wildlife. By law, the land cannot be grazed by livestock

and the grass cannot be cut for hay. Lincoln discussed the erosion of the tax base, and suggested additional emphasis be put on projects in the independent agencies such as the Boon and Crooket land recently purchased in the Dupuyer area.

Mike Misone, Western Environmental Trade Association, stated opposition to HB 526. When there is conflict between wildlife and livestock, the Department of Fish, Wildlife and Parks traditionally rules for wildlife. This is not a multiple use bill. There will not be timber harvested, or mineral exploration, or oil exploration because of the conflict with wildlife. The acreage taken out of production is money that is taken out of the economy. The Association resists land taken from the tax base.

Roger Koopman, Bozeman, MT, stated the bill represents a net transfer of property of control and ownership from the private sector to the public sector. Koopman questioned what is "enough" land, and suggested the free market where private initiative in game management has proven successful. The private sector is capable of responding to sportsmens' demands by being innovative and imaginative.

Gary Sturm, Helena sportsman, stated opposition to HB 526 because of the 5,000 non-resident B-deer tags increase. Sturn is opposed to any increase in the number of B-deer tags issued. Sturm questioned if the Director would favor subdividing land, which would put more money into the State than the Outfitting Industry does.

Dick Klick, Augusta, MT, stands in opposition to HB 526. Klick stated that the non-resident will get little use of the land that will be acquired. Department land in the Augusta area is in a drawing situation and limits the nonresident to 10% of the total applications. The tracts cannot be regulated in anyother manner. This is a nonresident rip off.

Lorents Grosfield, a cattle rancher from Big Timber, stated that the bill is unconstitutional. Article 5, section 11, Subsection 3 of the Montana Constitution states each bill, except general appropriation bills and bills for the codification and general revision of the laws shall contain only one subject, clearly expressed in its title. This is a wildlife habitat bill, yet there is a provision for unrelated activity. Economic impacts are not sufficiently addressed in regards to adjacent land resulting from enhanced habitat on purchased land and impacts to tax base in counties where signifcant amount of land is purchased. HB 526 is not an access bill and will restrict access in many cases because

wide open access is not compatible with quality wildlife management. (Exhibit 16)

Kim Incrude, Montana Stockgrowers and Montana Cattle women of Montana, stated that the organizations do not want to jeopardize willing buyer-seller arrangements. The state of Montana should not be in the realestate business. Landowner, sportsmen, and hunters relationships would be better served if the money was used to open up access, such as the Block Management Plan, for hunting and mitigating damage to the land owner caused by wildlife.

Don Allen, Montana Wood Products Association, stated that, according to Director Flynn, the department has been done well in the ability to obtain land to date. The association does not oppose the process that is proposed in the bill, but are concerned about access to other resources, such as timber. Multiple use concept has not proven to be case in the past, nor will it in the future. Allen challenged the committee to insure decisions on land that is purchased by the bill will not interfer with other economic interest of the land surrounding the purchased land. If not controlled, there will be negative economic impact in the future.

Dale Meal, stated that land should be taken off the taxes. Meal questioned how the Fish, Wildlife and Parks Department can manage more land when the department land cannot be managed properly at present. Should the department buy land along the Rocky Mountain Front, there will be a disasterous effect on the adjoining rancers. Meal urged opposition to HB 526.

Senator Yellowtail asked for an explanation from Meal concerning the disasterous effect along the Rocky Mountain Front. Meal stated that by buying land along the front, the cattle are confined. A multi-use deal must be the solution. Hunters that use consideration and concern will be allowed to hunt under most circumstances. Meal stated the disasterous effect comes from piling too many people onto the land that has been acquired by the Department

Senator Bishop asked Grosfield about the size of his ranch and if he is in a hunting organization. Grosfield stated the ranch is 15,000 acres, extra pasture is leased for cows, and there no land leased for agricultural purposes. Grosfield stated he is in a hunting organization with partner Roger Koopman. It is strictly a paid hunting operation.

Senator Smith stated that 1.3 million acres has been put into the Conservation Reserve Program in Montana. This program

will seed the land to grass and plant trees. Production will be halted for ten years. Twenty-five percent of the total crop land in each county will eventually be put into the Conservation Reserve Program.

Senator Yellowtail asked Flynn to elaborate on the tax base concerns. Flynn stated that if the land was to acquire an interest in land through lease or conservation easement, the department would not carry tax responsibility. If the land was acquired through title, the department would pay taxes on land improvement and machinery. The tax loss would occur when the livestock is taken off the property, but this does not happen in every instance. Sometimes, the property is leased back for cattle grazing purposes. The amount of $103,000 is currently paid statewide in lieu of taxes to the various counties containing wildlife management holdings. Senator Yellowtail asked if that is an amount that is comparable to a rancher assessment. Mr. Flynn replied that the department is assessed the same. Fire control assessment and weed control assessment are examples of similar assessments.

Representative Schye closed by repeating the fact that he is a landowner, farmer and sportsman. The bill is important to remedy problems of farmers and ranchers closing land. Landowners must understand that the public needs access to public land. The state land is different from the Fish, Wildlife and Parks' land due to the fact the land does not have to be opened to the public. The Fish, Wildlife and Parks' land amounts to 233,000 acres which is three-tenths of one percent of the total land in the state. Federal and state multiple use cannot be compared. The state can make sure that multiple use is accomplished and the economy will be improved. The deer tags are not increased in number. The bill puts a cap on the number of deer tags that can be issued. This is not a game damage bill and the bill addresses issues of adjoining land and lists responsibilities as well as enhancements of adjoining land.

Senator Smith stated that executive action will be taken on Thursday, March 26, 1987.

ADJOURNMENT: There being no further business to come before the Senate Fish and Game Committee, the hearing closed at 3:10 p.m.

Following recess, the committee reconvened at 7:45 p.m. this date.

Senator Smith stated that common ground should be met to work out differences between opposing sides. The Committee is not at liberty to direct what should or should not be done, The committee recognized that the outfitting industry is important to the economy of Montana.

Many outfitters have expressed concern in regards to the number of licenses received this year. Eighty-three percent ratio is the figure used as a success limitation amount, although some guides drew only a ten percent success limitation.

Director Jim Flynn, Director of Fish, Wildlife and Parks, addressed problems created by the recent drawing. Director Flynn stated in 1982, licences were sold begining on February 17th and the licenses were sold out by June 14, 1982. The license sold for $275. Each insuing year, the time taken to sell all the licenses have been reduced. This year, the licenses sold out on the first day. The cost of the license is now $350. Causing much concern, individuals using the power of Attorney bought state licenses for a fee. This stimulated the Department's action to cease selling licenses on a personal basis the day the licenses went on sale. The Department did not feel it appropriate the hunting licenses should be in the same category as Superbowl events. When the power of attoney phased out, as well as walk-in sales, the Department changed the outfitting industry's normal way of doing business. The outfitting industry is dependent on the sale of licenses. In 1975 as a matter of policy, the state set a limit on licenses. Different kinds of licenses are available. If the state had an unlimited number of licenses for nonresidents, the problem would not be a factor today. To compensate for the loss of the industry licenses, the set aside program was established. The Department gleaned historical records to arrive at 5,600, based upon historic use. Historic use data was derived at a time when the system was strictly voluntary in regards to whether a non-resident wanted to hunt with or without an outfitter. At arriving at the 5,600 figure, the Department took a three year average. The Department anticipated a court challenge on the 5,600 figure, so the Department attempted to obtain a reasonable figure. The set aside was put into effect, then a court challenge took place. The process underwent a judicial review. The court decided the system was fair and reasonable. In 1986, the first year of the set aside program, the system worked fairly well. The set aside licenses were not completely sold on the first day. The licenses sold out in a week. Evidently in 1986, a number of outfitters did not choose to use the set aside program, but opted to continue be part of the 11,400 pool. The system

was acceptable in 1986, but 1987 brought problems. The number of applications received from clients who wished to hunt with outfitters was approximately 7,700. The nonresidents were competing for the 5,600 set aside amount. As a result, 2,169 hunters were unsuccessful. In the non-certified or non-outfitted categary, 16,381 applications were made. The quota was 11,400 and 4,489 hunters were unsuccessful. The total application numbers was 24,158, while the total number of issued licenses was 17,000. The unsuccessful hunter numbered 7,158. The percentage of the unsuccessful hunter was 29 percent. The department had more applications on hand than the number of licenses available on each drawing. It is obvious: No matter how the licenses are dispensed, current law directs that 7,000 people will not receive licenses. Approximately 30 percent of the hunters will not get licenses. Approximately 24,000 licenses were processed in 1986 and 1985. Every individual's application is considered on a first come first serve application at present. In order to have people from Florida and Idaho receive the same chance, the staggered mailing list has been devised. The U.S. Post Office have provided delivery dates for various distances, and the state office have complied with the mailing variances to provide fair opportunity for the nonresident hunters. Many problems have been attributed to the unsatisfactory mailing system, even though some applications are mailed out the same day as it is received. Complete information must be provided on the application. The applications received on "day one" were 20,000, which puts the process into a drawing situation. The luck of the draw is the reason for the discrepancies among the outfitters.

Director Flynn stated when the Department was making the decision concerning the set aside program, Consideration was made to guarantee a total amount or percentage of bookings was based on the outfitters' history. Director Flynn rejected the concept of guaranteeing a business a certain number of licenses. The Department chose not to guarantee individual outfitters, but to guarantee the industry. Without additional licenses, based on the Department's experience over the past few years, there will be 7,000 unhappy, nonresidents not receiving licenses. At present, outfitters are concerned about the way the licenses are sold. The Department makes an effort to sell the licenses in a fair and efficient manner.

Senator Smith asked for a better way of handling the license issue so there is more equity between all the guides and outfitters. Smaller communities were hampered because air express was not available.

Senator Severson questioned 6,700 permits received the first day. Of this amount, were 5,600 drawn on the first day on the luck of the draw. Flynn replied yes.

Director Flynn stated that all applications that arrived the second day of the draw were automatically rejected because no more licenses were available. Senator Smith asked if there is a way to complete the allocation task in a manner that would prove to be more efficient. Director Flynn expressed approval of the set aside procedure. The issuance of the licenses could be made on a drawing basis, and a thirty-day-time-period could be established to included all mailed applications.

Senator Yellowtail questioned Mr. Flynn about options that are available. Director Flynn discussed current legislation and addressed the 6,000 Deer-A licenses, as well as the combination nonresident licenses. Senated Yellowtail stated approximately 2,500 combination licenses would be available to the elk hunters, a figure that may be satisfactory for a couple of years. Since 1971, Montana has experienced an increase of 41% in the outfitting industry. The set aside policy has been justified. Senator Yellowtail stated appreciation of the Director's wisdom and courage as exercised in the controversial decision making process. Eventually a conflict will arise between the number of nonresident hunters versus the number of resident hunters. Director Flynn stated that the State has managed the game resourse for ten years, and has used the 17,000 figure without negative impact on the resourse. A figure of 5,000 could also be managed, but the future figures must be managed according to compiled data. Currently, the size of the industry must be addressed because it is a multi-million dollar industry. The figures could be examined and reconsidered every two years.

Senator Severson stated the demand for the harvest of game is growing. According to Director Flynn, the size of the elk population is at an all time high, and the number of nonresident elk hunters must be compared to resident elk hunters. If the number of nonresident elk hunters increase, the resident elk hunters would be affected accordingly. The number of resident elk hunters in the state of Montana is 60,000 to 75,000.

Smoke Elser stated that the success spread of the drawing runs from 0 to 100%. The projected 20% loss ration would put one/third of the outfitters out of business within two years. Many outfitters will go out of business this year because of the draw. The outfitters have not supported an allocation on an individual basis, nor have they sought a guarantee. The clients must be obtained, and then provided high quality service.

Senator Smith stated that many outfitters have built an excellent reputation, but they have lost to the draw and may lose the entire business. Outfitter lose business when a client cancels because the other hunting partner did not receive a license.

Senator Jergeson questioned the outfitters that received heavy looses and asked if those applications arrived after the drawing took place. Elser replied that most clients were lost to the draw, although additional applications arrived too late. Mr. Elser stated that he lost two clients because of the mail service. Senator Jergeson asked Director Flynn what caused the variance to be so drastic. Mr. Flynn replied the percentage figures has cause the Department concern. Each applicant is issued a number. Then the numbers are put into the barrel to be drawn.

Jim Kehr stated a straight drawing will not work statistically. If the drawing is done on a percentage basis, every outfitter would have the same success ration. Therefore every outfitter would get 85% success, would have ample time to compete with the mail service, and would have an opportunity to coup 85% of the applicants. The true law of supply and demand would rule.

Senator Smith stated concern about the 1,069 applications that did not arrive on time to compete in the drawing. Mr. Flynn stated the way to guarantee that the 7,769 have an equal chance is to have a drawing. A percentage approach would eventually cause problems because of overbookings.

Ron Curtiss stated the outfitters would freely overbook clients if they could count on the 85% success rate. Curtiss explained that his hunting operation is based on a party of eight hunters. Therefore, the quality of the hunt is in jeopardy. In 1982 there were 613 Outfitters, and in 1987, there are 604 Outfitters in Montana. Other year figures are: 1983-563; 1984-563; 1985-588; 1986-604. The increase has been in the area of the fishing-outfitters. Many Outfitters are not active. Mr. Curtiss explained in the last year the industry was not restricted (1985), the industry served 7,694 nonresident hunters. In 1986, the industry served 7,763. The majority of the outfitters work on national forest land. Regulations state that the Outfitters need permits, but no additional permits have been issued. National forest land and BLM land have strict regulations. Private land offers the only areas that may be obtained for hunting by the Outfitters.

Senator Bengtson questioned Jim Kehr concerning studies on the growth of private land opened up to the nonresident hunter. Mr. Kehr stated that 56% of private land is now unavailable to resident sportsmen. The Forest Service has mandatory limits

on Outfitters because of the lack of hunting area. The action forces the Outfitters to seek private land. In 1986, $900,000 was spent by the Outfitters to lease private land. The trend will continue as long as Outfitters are guaranteed licenses. Mr. Kehr stated that equal percentages would solve the problem and give Outfitters equal success.

Senator Smith asked for a show of hands of how many Outfitters present were late in the drawing process. Mr. Curtiss stated that there is not what of determining when the licenses were received in Helena. Senator asked the Fish, Wildlife and Parks Department to seek ways of giving every application a fair chance. Every applicant does not have access to Air Express or other fast mail delivery service. Again, Director Flynn stated the fairness of the drawing process. The 7,769 applications could be entered in the draw, and the due date could be extended so that all application would be provided ample time to arrive. A tentative date of February 24th was given so that all applicants could be drawn together.

Senator Smith asked for a show of hands of how many of the Outfitters attending the hearing were in favor of the present system. Nobody raised their hands. Senator Smith stated that the goal of the hearing was to work out a solution that is fair for everyone.

Bert Herwertz stated that his property has a great number of game. Prior to 1982, there were no elk on his property, now there is over 300 head. Herwertz's son, an Outfitter, was very successful in the draw, but recognized that the neighbors were not as lucky in the draw. The neighbors are needed to drive the elk and deer back on the Herwertz' land.

Smoke Elser stated that there are many Outfitters have sincere consciences and live up to the law. Those Outfitters would not overbook. Senator Severson asked Smoke Elser about over-booking. Elser asked the committee not to force the industry to be illegal by forcing overbooking by 50%, 20% or 10%. Overbooking is illegal by current law and constitutes false advertising.

Senator Severson suggested to Jo Brunner to submit written testimony to the executive session that will meet on March 31, 1987 concerning the Outfitters and Guides solution to the problem.

Dale McNeill suggested that the licenses be issued by the day-use concept. Mr. McNeill expressed opposition to the extra 6,000 extra out-of-state licenses that are designated in the legislation.

Senator Ed Smith stated that the discussion has proven to be beneficial to all in attendance. Time has been taken to throughly discuss the problems and energy is being used to find solutions that are agreeable to all concerned. Senator Smith thanked the audience for their participation and closed the public discussion hearing.

Ed Smith
SENATOR ED SMITH, Chairman

NAME: Scott Ross DATE: 3/24/87

ADDRESS: Box 5221; Helena, MT 59604

PHONE:

REPRESENTING WHOM? Montana Bowhunters Association

APPEARING ON WHICH PROPOSAL: HB526

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

The Montana Bowhunters Association (membership of 1200) supports HB526. We welcome the opportunity to invest in wildlife habitat; we know that investment will provide continuous dividends in the form of healthy and stable game populations and associated recreational opportunities.

Many have suggested that our wildlife resource provides this state with real economic benefits. If that is true, (and we have no reason to dispute it), then we believe that our investment in secure habitats will pay future dividends in terms of $'s.

Throughout this session, we have heard appeals for a better partnership in wildlife between sportsmen and (over)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

landowners. HB526 is a positive step in that direction. Funds provided by sportsmen will flow to those landowners who participate in the program by providing leasing opportunities or conservation easements in the interest of securing and enhancing wildlife habitat. Additionally, the review process that is now written into the bill (page 3, blue copy) makes us all partners in this program.

There have been several concerns raised by opponents to this bill. We believe that those concerns have now been fully addressed either by the public review provisions of the bill itself or the statement of intent.

The Montana Bowhunters Association strongly supports the license increases proposed by HB526 and we're excited about the many wildlife management opportunities and partnerships that will be made possible if this bill passes.

Thank you.

Scott Hess

NAME: Al Jenkins DATE: 3/24/87

ADDRESS: 4729 Lewis Ave. - Billings Mt. 59106

PHONE: 652 6213

REPRESENTING WHOM? Billings Rod + Gun Club

APPEARING ON WHICH PROPOSAL: HB #526

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: This bill will provide the means necessary to insure that my children and your children will be able to enjoy the wildlife of Montana in the future. The money for the funding will come directly from the Sportsmen through the sale of licenses and with that money, land can be leased, bought or used through a Conservation easement. There are also provisions provided in the bill for the financing of the management of these lands.

We are losing critical wildlife habitat every year to real estate development, game farms and large out of state and foreign land purchases. We must be far sighted enough to act now to allow our decendants to enjoy what we now take for granted.

Al Jenkins

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Al Jenkins DATE: 3/24/87

ADDRESS: 4729 Lewis Ave. - Billings Mt. 59106

PHONE: 652 6213

REPRESENTING WHOM? Billings Rod + Gun Club

APPEARING ON WHICH PROPOSAL: HB #526

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Al Jenkins

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WITNESS STATEMENT

NAME Joe Gutkoski Pres. BILL NO. HB 520

ADDRESS 304 N. 18th Av.

WHOM DO YOU REPRESENT? Gallatin Wildlife Association

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: An estimated 70% of Montana's elk herds winter on private lands with all of the coincident conflicts. Summer range is adequate but winter range is critical. If Montana is to protect & perpetuate its elk herds the winter range must be protected from disappearing into sub-divisions and summer homes. The acreage required to protect winter range is a small fraction of the public land in Montana but is very critical in the long run.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34
Rev. 1985

NAME: James Phelps DATE: Mar 24 1987

ADDRESS: 2110 BRADBROOK CT BILLINGS 59102

PHONE: 406/259-6852

REPRESENTING WHOM? ~~self~~ Montana Audubon Council

APPEARING ON WHICH PROPOSAL: HB 526

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I represent the 2500 members of the Montana Audubon Legislative Fund. Many of our members hunt and fish and all of our members are closely tied to Montana's wildlife resource. HB 526 allows user fees to be used in a way that will enhance public wildlife values. All wildlife will benefit from this proposal — and this program will allow us to keep the best of what we have as Montana continues to grow.

Hunting and fishing provides a living for many groups besides those who directly use the wildlife resource. Guides and outfitters, motels, restaurants ~~and~~ sporting goods stores, gas stations — and the list can go on. But if there's nothing to hunt or fish there will be none of this. HB 526 will go a long way to to insure the long-term ~~future~~ future of the industry — if we may call it that.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JEFF BRANDT DATE: 3/24/87

ADDRESS: 615 S. SANDERS HELENA

PHONE: 443-4085

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB 526

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS:

(SEE ATTACHED)

Large number of proponents prevented my testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John C. Underwood DATE: 03/24/87

ADDRESS: 7903 Alamosa Ln. Bozeman, MT 59715

PHONE: (406) 587-0353

REPRESENTING WHOM? SELF — Concerned Sportsman

APPEARING ON WHICH PROPOSAL: HB526

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Strongly support HB526 as sent to Senate. Wildlife is one of Montanas greatest resources. More habitat is necessary to preserve & increase wildlife.

HB526 will be funded totally by the resource user — the sportsman + sportswoman. An excellent user pays bill.

Please support HB526!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: IRA T. HOLT DATE: 3/24/87

ADDRESS: 598 CHERRY ORCHARD LOOP, HAMILTON, 59840

PHONE: 406 961 3302

REPRESENTING WHOM? RAVALLI COUNTY FISH & WILDLIFE ASSOCIATION

APPEARING ON WHICH PROPOSAL: HB526

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: AT THE REGULAR MONTHLY GENERAL MEETING ON 3/23/87, AFTER A SHORT DISCUSSION, THE VOTE FOR APPROVAL OF HB 526 WAS 90%, WITH 10% AGAINST.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE FISH AND GAME
EXHIBIT NO. 15
DATE 3-24-87
BILL NO. HB 526

HB 526
March 24, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

The acquisition of land by the state wildlife management agency and the dedication of that land to wildlife conservation and public access is not a new concept for Montana. The state's initial purchase occurred in 1915 at Red Rocks Lake. The first major acquisition for big game, the Judith River Game Range near Utica, Montana, was completed in 1940. Each of these areas of important wildlife habitat purchased might otherwise have been altered or lost to other land uses without such protection.

The wildlife management area program has proven to be a successful way to ensure that these special lands will remain available for use by wildlife for generations to come as human encroachment makes other habitat unavailable.

Over the pat 70 years, management philosophies and land opportunities have evolved to include the utilization of conservation easements and leases where they are cost effective and where landowners' attitudes have been favorable. In addition, some federal lands adjacent to state wildlife management areas have been dedicated and managed for wildlife enhancement under cooperative agreements, thus expanding the positive benefits of these holdings.

Ultimately the key to success in securing wildlife enhancement opportunities will be maximizing the options available to the willing landowner. Some landowners view outright fee title as the only option suitable. Others, wishing to protect key habitats yet retain ownership, find conservation easements a realistic approach. Leasing is generally a short-term approach utilized while long-term options are reviewed.

The department currently has about 295,000 acres for wildlife management areas, of which about 97,000 acres are leased and about 9,000 acres are in conservation easements.

Since 1981 the department has acquired 7,629 acres of fee title and leases for wildlife, using sportsmen's dollars, at a cost of $2,235,750. About 500 of these 7,629 acres have been leased from the Corps of Engineers and the Bureau of Land Management. These are itemized in Attachment 1.

In addition, conservation easements received by the department have been donated or purchased. Three easements were donated for wildlife habitat purposes. They are the Sourdough in Gallatin County, Sun River in Lewis & Clark County, and a Rock Creek easement east of Missoula in Granite County. Other conservation easements which were donated are at Kleinschmidt Lake in Powell County and Fox Lake in Richland County. These easements are floodage easements to provide for waterfowl habitat improvements.

Easements which were purchased are located along the Blackfoot River at Rock Creek WMA near Missoula and along Spring Creek south of Lewistown. The Blackfoot River conservation easement provides for protection of the scenic beauty of the Blackfoot Canyon and some public access. The Rock Creek easement provides for protection of the natural setting of Rock Creek and the surrounding area which is bighorn sheep habitat. The Spring Creek easement protects the unique fishery and provides public access. All of these easements prevent subdivision of the lands and allow for grazing and other consistent uses which are compatible for the purpose of the conservation easement.

Out of a total of 47 wildlife management areas managed by the department, 23 have programs which involve private agricultural interests, including 2,055 acres of sharecropping, 1,525 acres of hay leasing, 6,644 AUM's of livestock grazing and 9 million board feet of timber harvest. A number of other areas are under review for the potential application of similar programs.

It is important to point out that in our land dealings, the department has only negotiated with willing sellers and would not pursue an acquisition under other circumstances.

The department is sensitive to public opinion, not only sportsmen's interests, but also those of local residents and officials who may have special concerns about the acquisition of large tracts of land.

A good example of this is the case of the 6,000 acre Charlie Marshall Ranch located 15 miles southwest of Absarokee along the Stillwater River. Acquisition of this property offered the department the opportunity to acquire excellent deer and bighorn sheep range, the potential for increasing an elk herd, as well as securing important public access to thousands of acres of public land and the protection of a significant portion of both shores of the Stillwater River.

Negotiations for this property began in 1976 when Mr. Marshall offered the department, through The Nature Conservancy, the opportunity to buy his property. By 1984, the department had the necessary funding and an acceptable agreement to acquire the property. It also had sportsmen's support because the property provided significant habitat and recreational values.

However, the project did not enjoy the support of neighboring ranchers, and the decision was made not to buy the property in deference to their concerns.

The issue of property taxes affected by department-acquired lands is often a concern. By making in-lieu payments to counties, the department pays an amount equal to what would be assessed if the property were privately owned. In 1986, taxes paid for wildlife lands will be about $160,000. Our 1985 payments by county are in Attachment 2. This equates to over 12% of total operational expenses.

SENATE FISH AND GAME
EXHIBIT NO. 15-page 2
DATE 3-24-87
BILL NO. HB 526

Maintenance and upkeep on department-acquired land is another area of concern often expressed. HB 526 addresses this by taking a portion of the earmarked revenue and directing that it go to the Real Property Trust Account. The interest would then be used for maintenance costs such as weed control, fencing, road improvements, signing, etc.

A Real Property Trust Account was authorized by the 1981 legislature through the enactment of Section 87-1-601(5), MCA. This statute requires the deposit of monies received from the sale of department surplus real property and the revenue from the use of certain department lands into a trust account, with the principal to remain inviolate. The interest derived from this account may be used only for the operation, development and maintenance of department real property.

Deposits into the trust account through FY 1986, as well as expenditures from that account, are detailed in Attachment 3.

We regularly receive inquiries from landowners indicating their willingness, and in fact preference, to deal with the department regarding their land holdings. Examples of these offers have included the Robb Creek Grazing Association near Dillon (interested in selling, but only a subdivider as an interested buyer), the Wittmayer Grazing Association along the "Highline," the Dreyer Ranch near Clearwater Junction (Attachment 4) and an interest in conservation easements along the Smith River (McMicking property and Doggett property).

Funds have not been available on a consistent basis to favorably respond to these requests. We must continually put these inquiries off to see if any funds will be available in the next session. This bill would allow a timely response to inquiries and allow a basis for looking at priority habitat needs.

This bill provides clear direction for a process to allow considerable review and public input into each acquisition potential. First, the department must develop a process for evaluating and ranking land potentials. Once that process is formalized, proposals can be submitted to the commission for review.

When the department presents a recommendation to the commission for consideration, it also includes a public review. The final step is review by the State Land Board consisting of the Governor, Secretary of STate, Attorney General, Auditor and Superintendent of Public Instruction. These individuals have the final say on acquisitions of any size. These steps ensure opportunity for consideration by all affected parties.

Given the major contribution this bill would make toward the long-term conservation of Montana's wildlife resources and their habitats for current and future generations to enjoy, we urge [illegible] and your support on this legislation.

SENATE FISH AND GAME
EXHIBIT NO. 15-page 3
DATE 3-24-87
BILL NO. HB 526

ATTACHMENT 1

Wildlife Management Areas Purchased by Montana Department of Fish, Wildlife and Parks Since 1981

WMA	County	Grantor	Acres	Date	Cost
Seven Sisters (addition) - along Yellowstone River near Sidney	Richland	Private	193	10/81	$ 119,000
Big Lake - near Billings	Stillwtr.	Private	240	12/81	43,750
Isaac Hmstd. (addition) - along Yellowstone near Forsyth	Treasure	BLM	85	5/82	(Donation)
Kootenai - near Eureka	Lincoln	COE	2,443	10/82	(Mitigation)
Wall Creek - near Ennis (inholding)	Madison	Private	320	8/84	504,000
Pablo (addition) for waterfowl	Lake	Private	25	12/84	35,000
Blackleaf (inholding) on game range	Teton	Private	1,632	10/85	494,000
Dailey Lake - Rigler property near Gardiner	Park	Private	2,691	4/86	1,040,000
	TOTAL		**7,629**		**$2,235.750**

SENATE FISH AND G[illegible]
EXHIBIT NO. 15 - page 4
DATE 3-24-87
BILL NO. HB 526

ATTACHMENT 2

MDFWP 1985 TAX PAYMENTS BY COUNTY FOR WILDLIFE MANAGEMENT AREAS

REGION	COUNTY	TAXES PAID
1	Flathead	$ 289.65
	Lake	14,936.25
	Lincoln	1,824.16
2	Powell	4,596.51
	Missoula	3,383.52
	Ravalli	4,688.16
3	Anaconda/Deer Lodge	17,914.73
	Beaverhead	4,262.99
	Butte/Silver Bow	4,898.72
	Gallatin	2,042.84
	Jefferson	207.50
	Madison	2,950.01
4	Cascade	3,338.61
	Judith Basin	2,389.48
	Lewis and Clark	14,775.62
	Teton	14,955.14
5	Bighorn	143.64
	Stillwater	80.18
	Wheatland	316.86
6	Hill	275.64
	Phillips	90.96
	Valley	118.82
7	Richland	4,187.15
	Treasure	1,007.71
	1985 TOTAL	$103,674.75

216.2

SENATE FISH AND GAME
EXHIBIT NO. 15-page 5
DATE 3-24-87
BILL NO. HB526

ATTACHMENT 3

I. DEPARTMENT OF FISH, WILDLIFE AND PARKS DEPOSITS INTO THE REAL PROPERTY TRUST ACCOUNT THROUGH FY 1986

CATEGORY	AMOUNT
Mt. Haggin Timber Sales	$ 741,390
Sale of Department Real Property	227,001
Mineral, Grazing, Land & Building Leases	216,596
	$1,184,987

II. PROJECTS FUNDED BY THE TRUST ACCOUNT

Project & A/E#	Amount Allocated	Spent and/or Encumbered to Date	Balance
Mt. Haggin WMA Fence 85-35-21	$76,000.00	$53,036.38	$22,963.62
Wall Creek WMA Fence 85-35-22	25,000.00	15,893.54	9,106.46
Milk River WMA Fence 85-35-23	13,500.00	- 0 -	13,500.00
Miscellaneous[1] 85-35-15			
Nevada Lake WMA Fence	1,344.00	360.20	983.80
Warm Springs WMA Fence	1,344.00	1,545.05	(201.05)
PARKS:	32,812.00		15,606.93
Klabunde Mem		7,338.93	
Yellow Bay Fence		9,866.14	
	$150,000.00	$88,041.24	$61,958.76

[1] all figures as of 9/11/86

SENATE FISH AND GAME
EXHIBIT NO. 15 page 6
DATE 3-24-87
BILL NO. HB 526

ATTACHMENT 4

January 26,1987

RECEIVED
JAN 28 1987
WILDLIFE DIVISION

Arnie Olson
Department of Fish Wildlife & Parks
1420 East 6th Avenue
Helena, Montana 59620

Dear Mr. Olson,

We have our ranch for sale and thought the Fish & Game might be interested. We have thought about selling the ranch to a large corporation as a hunting & fishing retreat, but we think the place would better serve the Fish & Game in preserving their elk and deer population.

Our ranch is located Northeast of the Blackfoot Clearwater Game Range. Our land is a corridor from the game range to Forest Service land and the Bob Marshall Wilderness. We have 2,960 acres that are a natural habitat for elk and deer.

There are elk and deer on this ranch year round, many elk and deer stay on the place thru the winter. Several hundred use the ranch to pass thru to higher country and to return to the game ranch in fall and winter. Around 100 head of elk have their calves in our pasture and stay there thru the summer and fall. In the early fall during breeding season, the elk congregate in the pastures and meadows near our buildings. Our meadows and some timber land are in Area 282.

We also, have about 1 mile of Cottonwood Creek passing thru our property.

* We are interested in selling this ranch and are not interested in a Conservation Easement. We look forward to a response from you soon.

Sincerely,
Jim Dreyer
Susan Dreyer

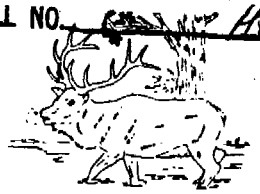
Jim & Susan Dreyer
Star Route Box 435
Greenough, MT. 59836

Telephone 793-5714

SENATE FISH AND GAME
EXHIBIT NO. 15 page 7
DATE 3-24-87
BILL NO. HB 526

EXHIBIT NO. 16
DATE 3-24-87
BILL NO. HB526

SLIP & SLIDE RANCH



FRANKLIN & SUSAN RIGLER • BOX 877 • CORWIN SPRINGS, MT 59021 • (406) 848-7648

March 24 1987

Senators,

I am writing in reference to House Bill 526 which concerns money for acquisition of wildlife habitat. There are a few points for your consideration in this matter.

The Northern Yellowstone Elk herd is the largest in the world. This elk herd has been slaughtered in the 40's, 50's, and 60's in the Park by a direct reduction policy and outside of the Park by the historic firing line. We have a late elk hunt in area 313 now that bottlenecks elk in the Park. Last week, Superintendent Barbee spoke to the Cody Chamber of Commerce stating that studies by professionals on range conditions were being conducted to determine range conditions and that "something would be done" if the situation warranted it.

Historically, area 313 has been one of the mildest wintering areas in Montana, a fact easily verified from the earliest Park Superintendent's reports. Areas below Yankee Jim Canyon combine productive well-watered north slopes with winter winds clearing forage for availability to wintering herds. As present land managers, it is our responsibility to look into the future and envision the fantastic wildlife range potential in the Upper Yellowstone.

We are all aware that Yellowstone's summer range is practically unlimited. If we have the foresight to plan for purchasing winter range properties as they become available, it is easy to envision a day when the rest of the nation and the world will look at the Yellowstone Complex in the same light as the Serengeti Plain is seen today. You gentlemen possess the potential for planning to provide the world with a truly wild and free-ranging wildlife habitat in the Yellowstone Complex. The extent of what can be done is proportional to winter range available and fund laid aside to purchase tracts as they are marketed.

We can easily see what happens when large tracts of land go into private ownership for development as the Forbes Ranch and the efforts of CUT. Large scale development can only spell disaster for a wildlife management plan. Yet, we still have an opportunity on the east side of the Yellowstone River, the traditional wintering grounds for thousands of migrating elk.

SLIP & SLIDE RANCH

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It is time for you to respond to the here and now. We have a responsibility not only to this generation but to generations who will follow us. You must understand this is not creating a 'pseudo-wintering ground' (ie Jackson Hole) but supporting an area traditional to elk migration.

For those of you wary about the state entering into the 'real estate'business, you need to truly appreciate the uniqueness of this area. In the 1920's the federal government had a vision of what be done along these lines, but we have been stalled for the past 60 years. We have an opportunity to get on the track again and you owe the people of Montana an investigation of this and action on it.

Thank you.

Franklin Rigler

SENATE FISH AND GAME
EXHIBIT NO. 16 page 2
DATE 3-24-87
BILL NO. HB 526

Table 2. Elk numbers and removals, 1923-[illegible].

Winter Period[a]	Winter Census	Removals		
		Hunter Kill	Park	Total
1923		33	49	82
1924		44	11	55
1925		366[b]	59	425
1926		88	80	168
1927		719	107	826
1928		1529[c]	187	1716
1929		15	0	15
1930	8257	312	110	422
1931	7696[g]	316	2	318
1932	10624	290	37	327
1933	11521	177	2	179
1934	10042	136	11	147
1935	10112[d]	2598	667	3265
1936	10281	2287	557	2844
1937	8794	257	574	831
1938	10976	3587	236	3823
1939		2971	307	3278
1940		122	16	138
1941		275	12	287
1942		2071	145	2216
1943	8235	6539	691	7230
1944		125	10	135
1945		403	0	403
1946	8513	2094	73	2167
1947		3069	76	3145
1948	7815	970	39	1009
1949	9496	2837	49	2886
1950		40	834	874
1951		1265	818	2083
1952		3198	602	3800
1953		110	172	282

SENATE FISH AND GAME
EXHIBIT NO. 16 page 3
DATE 3-24-87
BILL NO. HB 526

Table 2. (continued) Elk numbers and removals, 1923-[illegible].

Winter Period	Winter Census	Removals		
		Hunter Kill	Park	Total
1954		422	387	809
1955		763	598	1361
1956	6963[f]	3900	2635	6535
1957		345	944	1289
1958		50	536	586
1959	4884[eg]	372	1334	1706
1960		50	809	859
1961	8150[ef]	25	1434	1459
1962	5725[f]	125	4619	4744
1963		530	1290	1820
1964		30	1121	1151
1965	4865[f]	1012	892	1904
1966		30	1240	1270
1967	3842[f]	1108	1540	2648
1968	3172[e]	116	984	1100
1969	4305[e]	50	0	50
1970	5543[eh]	50	0	50
1971	7281[e]	45	0	45
1972	8215[e]	75	0	75
1973	9981[e]	154	0	154
1974	10529[e]	210	0	210
1975	12607[e]	147	0	147
1976	10807[e]	1547	0	1547
1977	8980[eg]	219	0	219
1978	11855[e]	1086	0	1086
1979	10768[e]	340	0	340
1980		456	0	456
1981		126	0	126

[a]1923 = winter of 1922-23, etc.

[b]Total removal estimated at 1000 including cripple losses.

[c]Contains estimates of cripple losses.

[illegible] estimated to be "park" elk [illegible] 2/25/81 memo to [illegible]

SENATE FISH AND GAME
EXHIBIT NO. 16 - page 4
DATE 3-24-87
BILL NO. HB 524

Table 2. Summary of harvest results during the recent Gardiner late elk seasons (including illegal kills).

	Permits			Harvest				Percent
Winter	ES[a]	A[b]	Total	Bulls	Cows	Calves	Total	Bulls
1975-76	1,500	0	1,500	705	362	140	1207	58
1977-78	1,500	0	1,500	359	297	179	803	47
1978-79	300	0	300	30	3	2	70	86
1979-80	1,000	0	1,000	285	157	25	467	61
1980-81	1,750	850	2,600	73	42	16	133	56
1981-82	1,600	800	2,400	491	422	100	1015	48
1982-83	1,600	800	2,400	470	712	241	1462	33
1983-84	800	1,600	2,400	396	816	396	1652	24
1984-85	300	2,100	2,400	173	742	291	1206	14
Totals	10,350	6,150	16,500	2984	3553	1390	8016	37

[a] Valid for either-sex elk.

[b] Valid for antlerless elk only.

SENATE FISH AND GAME
EXHIBIT NO. 16 page 5
DATE 3-24-87

Gazette photo by Larry Mayer

Kimberly, 6, and Jessica, 8, were petting the
t the end of a small bridge along Riverside
ar Laurel.

EXHIBIT NO. #16 page 5
DATE HB 526

on rail line sales

but then adopted a new policy of trying to sell financially shaky lines to short-line operators instead of abandoning them.

He said HB 861 would jeopardize such sales because local entrepreneurs couldn't make short lines financially successful if they are forced to assume BN's labor contracts. He said labor is BN's biggest expense, with the average employee getting $26.41 an hour in pay and benefits.

"What chance of success would a new operator have if he had to take on these labor costs?" he asked.

Stu Doggett of the Montana Chamber of Commerce criticized the bill as an "undue intrusion" of the state into the private sector. He said the Columbia Falls aluminum plant and Butte mines likely wouldn't be in operation today if they had to honor the labor agreements that HB 861 would require of the railroads.

John Green, president of the new Montana Western short-line railroad between Garrison and Silver Bow, questioned whether the labor-agreement provision was constitutional. The bill, he said, "eliminates any new short lines in the state of Montana."

Meanwhile, John Post of Livingston, spokesman for the newly formed Citizens Alliance to Save the South

YELLOWSTONE UPDATE

Park studies capacity for elk, bison

By TOM HOWARD
Gazette Cody Bureau

CODY, Wyo. — National Park Service officials are studying the wildlife carrying capacity of Yellowstone National Park in an attempt to better manage elk and bison, Yellowstone Superintendent Robert Barbee said Monday.

Barbee said the National Park Service is making a "concerted effort" to bring university experts to the park to determine the number of animals the park can support. If research indicates that herds must be reduced, "we'll go with it," Barbee told the Cody Country Chamber of Commerce.

"We hope we can ground our decisions in good, hard data. We're not wedded to any concept," Barbee said in response to a question about how the Park Service plans to manage an increasing bison herd.

Bison management is just one in an endless string of controversies surrounding Yellowstone. Special-interest groups, each of them concerned about the management of America's oldest national park, are proliferating like mushrooms after a spring rain, Barbee said.

He wouldn't predict when the east entrance of Yellowstone will open this spring because of weather and other variables. But, with snowpack about 50 percent of normal, the Park Service is well ahead of schedule for plowing snow from roads. As another sign that spring is at hand, bears are out of their dens, Barbee said.

A one-year increase in entrance fees to national parks could provide additional money for the park's operating budget, which is $12 million this year, Barbee said.

The new entrance-fee schedule raises the single-visit fee from $2 per vehicle to $5 per vehicle. Traditionally, money raised from entrance fees has been placed in the government's general fund. Under the new fee schedule, Yellowstone could receive about $600,000 of the money annually, Barbee said.

Trucking hearings likely

Gazette Cody Bureau

CODY, Wyo. — Yellowstone National Park Superintendent Robert Barbee said Monday that the National Park Service will likely hold public meetings on a citizen's group's demands for halting truck traffic on a highway in Yellowstone National Park.

Commercial trucking is prohibited in national parks, but for years trucks have been traveling a 14-mile section of U.S. 191 that winds into Yellowstone National Park just north of West Yellowstone, Mont. A local group is calling for the National Park

new regulation or enforce the restrictions," Barbee said, adding that the Park Service is contacting representatives of the trucking industry and the citizen's group. He said no date has been set on the possible meeting.

Barbee said the Park Service is interested in hearing all sides of the issue. The issue boils down to regulating interstate truck traffic, and Barbee doesn't relish that responsibility. "We've got a lot of other things to do," he said.

Properly defining commercial truck traffic complicates the issue. It must be decided whether the

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SENATE FISH AND GAME
EXHIBIT NO.
DATE
BILL NO.

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[b]Total removal estimated at 1000 including cripple losses.

[c]Contains estimates of cripple losses.

*60% estimated to be bull elk. Steve Brickson 2/25/81 memo to Schoen's file

SENATE FISH AND GAME
EXHIBIT NO.
DATE
BILL NO.

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SENATE FISH AND GAME
EXHIBIT NO.
DATE
BILL NO.

SLIP & SLIDE RANCH

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SENATE FISH AND GAME
EXHIBIT NO. _____
DATE Slip & Slide pg 2
BILL NO. _____

SLIP & SLIDE RANCH

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March 24 1987

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We can easily see what happens when large tracts of land go into private ownership for development as the Forbes Ranch and the efforts of CUT. Large scale development can only spell disaster for a wildlife management plan. Yet, we still have an opportunity on the east side of the Yellowstone River, the traditional wintering grounds for thousands of migrating elk.

3. SUGGESTED AMENDMENTS TO
HB 526 (SECOND READING)

1. Page 1, line 9
Following: "HABITAT"
Insert: "AND PUBLIC HUNTING AREAS CAPABLE OF BLOCK MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS,"

2. Page 1, line 19
Following: "habitat"
Insert: "and public hunting areas capable of block management"

3. Page 4, line 5
Following: "habitat"
Insert: "and block management areas"

4. Page 4, line 9
Following: "habitat"
Insert: "and public hunting areas capable of block management by the department"

5. Page 5, line 12
Following: "habitat"
Insert: "and public hunting areas"

SENATE FISH AND GAME
EXHIBIT NO. 4
DATE 1-29-91
BILL NO.

2. SUGGESTED AMENDMENTS TO
HB 526 (SECOND READING)

1. Page 1, line 20
Strike: "are necessary"
Insert: "may be desirable"

2. Page 3, lines 21-22
Strike: "AND (F)"
Insert: "(f) economic impacts to any county in which any portion of the lands are to be acquired, including an analysis of the total annual in lieu of taxes payments pursuant to 87-1-603 compared to the total annual taxes forthcoming to the county had the land remained in private ownership, including amounts attributable to livestock, improvements, machinery, and other personal property as appropriate; and (g)"

3. Page 4, line 4
Following: "PUBLIC."
Insert: "(3) Preference shall be given to acquisition of interests in land by lease or conservation easements over acquisition by purchase of fee title."

4. Page 5, line 18
Following: "habitat."
Insert: "Maintenance shall include mitigation measures for any detrimental impacts to adjacent land pursuant to [Section 1(1)(D)]."

SENATE FISH AND GAME
EXHIBIT NO.
DATE Jan 31 1989
BILL NO.

SUGGESTED AMENDMENTS TO
HB 526 (SECOND READING)

1. Page 1, lines 11-13
Strike: "TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A" LICENSES THAT MAY BE SOLD;"

2. Page 9, lines 2-3
Strike: "Not more that 5,000 Class B7 licenses may be sold in any license year."

NOTE: The Montana Constitution states in Article 5, Section 11(3):

"Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title."

SENATE FISH AND GAME
EXHIBIT NO.
DATE 4-Mar-91
BILL NO.

TESTIMONY ON HB 526
before the Senate Fish & Game Committee, March 24, 1987
by Lorents Grosfield, cattle rancher from Big Timber

HB 526 as amended is a much improved version of the Introduced Bill. However, there are still at least three major problems with it:

1. It is unconstitutional. The Montana Constitution states in Article 5, Section 11(3):

> "Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title."

This is a wildlife habitat bill. Yet from out of nowhere comes a provision that limits Class B-7 licenses. This has nothing to do with the purpose of the bill--- in fact if anything it is contrary to the purpose because it would be a factor limiting the money available for the real purpose of the bill. I urge the committee to strike that provision from the bill and have included a simple suggested amendment to that effect.

2. Economic impacts are not sufficiently addressed by this bill. These include economic impacts to adjacent lands resulting from enhanced habitat on purchased lands. They would also include impacts to the tax base in any county where a significant amount of land is purchased--- in our county, department lands contribute only one-half to one-fifth as much in lieu of taxes as the county received when the land was previously in private agricultural ownership. Other economic impacts of concern have to do with the cumulative effects of land acquisitions over a number of years--- these are both economic and social impacts associated with expanding government ownership of our land resources. The second set of amendments attached addresses these economic impacts.

3. HB 526 has been sold by some as an access bill. This is not an access bill. It is a habitat bill, and if anything it will quite possibly restrict access in many cases, because wide-open public access is simply not compatible with quality wildlife habitat management. Having a bill aimed exclusively at habitat acquisition is not necessarily a problem, but discussion on the floor of the House on this bill revealed that at least some members thought it was an access bill and may have voted for it on that basis. This is not an access bill. Actually, I think some of the money to be generated by this bill should go to access acquisition; one option is by way of promoting the Department's block management program--- the two or three Department employees involved in this program have succeeded in just a few seasons in opening thousands of acres to hunting access, and, with a little incentive to offer, could open tens of thousands more. This would go a long way toward relieving the present-day tensions between landowners and sportsmen. You will find amendments attached that would provide for funding access.

I URGE YOUR FAVORABLE CONSIDERATION OF THE ATTACHED AMENDMENTS.

EXHIBIT #5

ACRES OF PUBLIC LAND, PLUS PAYMENTS IN LIEU OF TAXES (PILT) AND 25% (FOREST SERVICE)
PAYMENTS TO TOP TEN EAST SIDE COUNTIES (F.Y. 1982-1986)

County	Acres of Public Land	FY 1986 Payments PILT	FY 1986 Payments 25%	FY 1985 Payments PILT	FY 1985 Payments 25%	FY 1984 Payments PILT	FY 1984 Payments 25%	FY 1983 Payments PILT	FY 1983 Payments 25%	FY 1982 Payments PILT	FY 1982 Payments 25%
Flathead	2,417,824	$235,772	$1,124,929	$409,200	$ 915,410	$404,689	$1,374,309	$230,182	$ 878,897	$227,353	$ 868,737
*Beaverhead	2,049,002	197,141	147,615	232,027	139,488	250,279	200,731	193,077	119,046	200,516	77,391
Lincoln	1,787,009	171,226	2,774,701	173,186	2,221,805	170,852	3,215,152	168,390	1,269,767	164,138	2,052,985
*Phillips	1,388,190	133,328	--	133,863	--	132,212	--	130,809	--	127,575	--
*Valley	1,131,822	256,381	--	234,776	--	237,360	--	231,054	--	221,950	--
Ravalli	1,106,678	438,730	468,915	458,367	393,514	563,771	293,593	152,564	238,786	337,881	64,190
*Lewis & Clark	1,060,816	694,738	149,693	719,846	128,438	699,026	117,509	656,525	80,955	658,219	95,458
*Madison	1,050,685	196,538	85,691	220,952	84,141	229,363	108,999	158,024	75,873	169,366	47,652
*Park	914,571	347,466	66,532	345,443	84,296	356,931	80,439	371,883	89,725	329,410	64,153
Sanders	905,785	86,968	601,539	87,890	632,241	133,498	828,277	85,353	531,695	83,242	304,002
*Garfield	827,329	78,377	--	79,352	--	78,281	--	77,959	--	76,054	--
*Powell	713,349	118,907	239,675	175,359	204,142	181,391	274,957	67,219	189,929	68,806	176,344
*Granite	709,103	68,070	134,396	68,828	111,018	72,148	149,364	66,818	132,875	65,222	63,173
Missoula	699,920	277,528	287,525	361,173	137,508	362,414	376,793	215,614	248,629	210,086	209,716
*Gallatin	678,156	450,306	50,676	450,207	66,112	457,076	60,662	449,832	68,766	442,352	48,392
Mineral	643,392	61,758	227,284	62,446	171,179	61,662	311,880	60,627	213,784	59,128	169,686
*10 counties only		$2,541,252	$874,278								

*Top ten east side counties with most acres of public land (BLM and FS)

~~Exhibit #1~~

ACRES OF PUBLIC LAND IN EACH MONTANA COUNTY
(F.Y. 1983 PILT PAYMENTS)

	COUNTY	ACRES	COUNTY SEAT	MAJORITY
1.	Flathead	2,417,824	Kalispell	
* 2.	Beaverhead	2,049,002	Dillon	FS
3.	Lincoln	1,787,009	Libby	
* 4.	Phillips	1,388,190	Malta	BLM
* 5.	Valley	1,131,822	Glasgow	BLM
6.	Ravalli	1,106,678	Hamilton	
* 7.	Lewis & Clark	1,060,816	Helena	FS
* 8.	Madison	1,050,685	Virginia City	FS
* 9.	Park County	914,571	Livingston	FS
10.	Sanders	905,785	Thompson Falls	
*11.	Garfield	827,329	Jordan	BLM
*12.	Powell	713,349	Deer Lodge	FS
*13.	Granite	709,103	Phillipsburg	FS
14.	Missoula	699,920	Missoula	
*15.	Gallatin	678,156	Bozeman	FS
16.	Mineral	643,392	Superior	
**17.	Powder River	603,273	Broadus	BLM-FS
**18.	Carter	601,157	Ekalaka	BLM
**19.	Carbon	568,391	Red Lodge	FS-BLM
**20.	Jefferson	556,942	Boulder	FS
**21.	Fergus	499,743	Lewistown	BLM
**22.	Meagher	474,581	White Sulphur	FS
**23.	Blaine	458,462	Chinook	BLM
**24.	Prairie	429,408	Terry	BLM
**25.	Glacier	402,835	Cut Bank	NPS-FS
**26.	Petroleum	346,998	Winnett	BLM
***27.	Custer	342,445	Miles City	BLM
***28.	Rosebud	329,477	Forsyth	BLM
***29.	Judith Basin	311,023	Stanford	FS
***30.	Broadwater	304,637	Townsend	FS
***31.	Sweetgrass	303,070	Big Timber	FS
***32.	McCone	277,581	Circle	BLM
***33.	Teton	265,434	Choteau	FS
***34.	Butte-Silver Bow	237,737	Butte	FS
***35.	Cascade	215,376	Great Falls	FS
***36.	Stillwater	192,010	Columbus	FS
37.	Anaconda-Deer Lodge	184,453	Anaconda	FS
38.	Chouteau	157,014	Ft. Benton	BLM
39.	Lake	156,982	Polson	FS
40.	Fallon	121,906	Baker	BLM
41.	Pondera	107,919	Conrad	FS
42.	Musselshell	90,299	Roundup	BLM
43.	Yellowstone	88,779	Billings	BLM
44.	Dawson	68,591	Glendive	BLM
45.	Wheatland	53,369	Harlowton	BLM
46.	Richland	52,862	Sidney	BLM
47.	Hill	47,720	Havre	BLM
48.	Toole	46,013	Shelby	BLM
49.	Big Horn	35,651	Hardin	BLM
50.	Liberty	33,363	Chester	BLM
51.	Golden	31,968	Ryegate	BLM
52.	Wibaux	25,882	Wibaux	BLM
53.	Treasure	11,798	Hysham	BLM
54.	Roosevelt	4,722	Wolf Point	BLM
55.	Sheridan	1,388	Plentywood	BLM
56.	Daniels	200	Scobey	BLM

Source of Data - BLM payments to counties - FY 1983

* Top ten east side counties with most acres of public land (BLM and National Forest)

** List of east side counties in 11-20 category with most acres of public land (BLM and National Forest)

*** List of east side counties in 21-30 category with most acres of public land (BLM and National Forest)

P.L.A.A.I. 3/2/87

GAZETTE OPINION

Wildlife bill has promise

HB 526 addresses problem

Montana has taken on a new color.

Drive through the mountains of Western Montana, the valleys lining the Missouri, the Gallatin, the Yellowstone, the Stillwater and all the other rivers of the state.

Drive across the high plains of Eastern Montana. Everywhere, it's the same.

Gate posts are topped by fluorescent orange. Orange-topped fence lines mark off territory. This is ours. Stay out!

There are good reasons in most cases for farmers' and ranchers' decisions to close land to the public.

But that leaves the public no less non-plussed.

Montanans are among the poorest paid people in the nation. The state's economy acts as though it is obeying the commands of a WWII submarine captain: "Dive! Dive!"

But we don't leave for greener pastures, because we like the look of pastures here.

Residents glory in living in the state of Montana. We treasure standing on the banks of the state streams, climbing mountain trails, gliding through snow-freshened meadows.

But we are being compressed, crushed between the pressure from the ranchers to keep their lands free of litterers, to make up the money they lose from cattle by fees they charge for hunters on the land.

And the pressure of the hunters continues to grow, both in-state and out. We have become known for what we are, one of the last great hunting and fishing areas in the 48-contiguous states. We are to outdoor sports what Disneyland is to carnival shows.

There is a bill before the Legislature now that is aimed at easing that pressure, providing means by which future Montanans can enjoy the lifestyle we all were reared in.

House Bill 526 adds additional fees to the state's hunting licenses, resident and non-resident alike, to fund the protection and enhancement of wildlife habitat in the state.

The bill would provide the state with an estimated $1.4 million in fiscal year 1988 to buy or lease lands critical for wildlife.

In FY 89, that figure would swell to $2.1 million.

There are a number of reasons why this is a particularly opportune time for the bill.

First, access to private lands is shrinking.

Second, because of the woeful state of Montana's agricultural community, land values have become a bargain. The money raised by the fund will buy more quality land than before.

HB 526 is appropriate in still another way. It is a user fee. It takes money collected from the sportsmen who enjoy the state's wildlife resources and uses that money to provide critical wildlife habitat, public lands for the public, and access to existing lands.

The sportsmen enhance their own sport. The Legislature must pass this bill. It's too good to pass up.

SENATE FISH AND GAME
EXHIBIT NO. Yes Leave
DATE
BILL NO.

COST TO HUNT COMPARISONS
AS OF 1/1/86

RESIDENT

○ = lowest in west

STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	$24.00	$69.50	$17.00	$18.00	$11.00		$59.50	$159.50		$9.50
CA	$22.50	$115.00	$25.00	$15.00			$50.00			$15.00
CO	$17.00	$25.00	$25.00	$7.50	$32.00	$200.00	$17.00	$100.00	$100.00	$7.50
ID	$14.50	$20.50	$13.00	$13.00	$17.00	$67.00	$33.50	$67.00	$67.00	$6.50
MT	$11.00	$12.00	$10.00	$5.00	$12.00	$52.00	$8.00	$52.00	$52.00	$6.00
NV	$28.00	$88.00			$23.00		$43.00	$88.00	$63.00	$13.00
NM	$19.00	$38.00	$10.50	$10.50	$10.50		$23.00	$38.00		$9.50
OR	$14.00	$24.00	$13.00	$12.00	$28.00		$18.00	$33.00		$8.00
UT	$15.00	$45.00	$40.00	$13.00	$40.00	$115.00	$40.00	$215.00	$215.00	$12.00
WA	$27.00	$32.00	$27.00	$27.00	$32.00	$162.00		$87.00	$62.00	$20.00
WY	$20.00	$30.00	$15.00	$11.00	$25.00	$55.00	$20.00	$55.00	$55.00	$10.00
AVERAGE	$19.27	$42.95	$19.83	$12.66	$24.38	$108.50	$28.05	$81.66	$87.71	$10.75
MAX	$28.00	$115.00	$40.00	$27.00	$40.00	$200.00	$59.50	$215.00	$215.00	$20.00
MIN	$11.00	$12.00	$10.00	$5.00	$10.50	$52.00	$8.00	$33.00	$52.00	$6.00

NON RES

○ = lowest in west

STATE/TAG	DEER	ELK	BEAR	TURKEY	MTN LION	MOOSE	ANTELOPE	SHEEP	MTN GOAT	SMALL GAME
AZ	$131.00	$355.50	$106.00	$106.00	$106.00		$305.50	$805.50		$25.00
CA	$151.75	$151.75	$143.25	$51.75			$86.75			$51.75
CO	$120.00	$210.00	$100.00	$50.00	$185.00		$120.00	$500.00	$500.00	$32.50
ID	$127.50	$227.50	$101.00	$88.00	$126.00	$226.00	$127.50	$226.00	$226.00	$75.50
MT	$102.00	$302.00	$102.00	$5.00	$302.00	$302.00	$102.00	$302.00	$302.00	$32.00
NV	$175.00				$200.00		$325.00	$575.00		$75.00
NM	$146.00	$213.00	$76.00	$76.00	$51.00		$123.00	$373.00		$51.00
OR	$150.00	$187.00	$150.00	$79.00	$225.00		$200.00			$50.00
UT	$120.00	$220.00	$150.00	$43.00	$250.00	$1120.00	$220.00	$1120.00		$40.00
WA	$175.00	$225.00	$275.00	$140.00	$425.00	$425.00		$425.00	$275.00	$133.00
WY	$105.00	$255.00	$55.00	$30.00	$105.00	$305.00	$105.00	$405.00	$505.00	$30.00
AVERAGE	$136.65	$221.25	$128.02	$62.52	$207.66	$475.60	$156.58	$490.75	$361.60	$57.07
MAX	$175.00	$355.50	$275.00	$140.00	$425.00	$1120.00	$325.00	$1120.00	$505.00	$133.00
MIN	$102.00	$151.75	$55.00	$5.00	$51.00	$226.00	$86.75	$226.00	$226.00	$25.00

1. Colorado: Moose is not available to nonresidents.
2. Montana: does not sell a separate elk license. A com bination license that includes elk, deer, bear, fishing, bird, and cons ervation license is $300.00. Under small game, $6.00 and $32.00 is for birds only.
3. Wyoming: Includes $5.00 conservation stamp that is on ly purchased onc e.
4. Utah: Buffalo $215.00 Resident only.

SENATE FISH AND GAME
EXHIBIT NO. Lee Tevis
DATE
BILL NO.

.EGISLATIVE
NA HUNTERS

(for themselves and any of their immediate family, including spouse, parents, children, brothers and sisters), HB407 WOULD ALSO HAVE GUARANTEED NON-RESIDENT LANDOWNERS A LICENSE EACH YEAR, ELIMINATING THE RISK OF QUOTAS AND DRAWINGS.

Corporate stockholders in companies owning land in Montana would also have received resident licenses to hunt on that land, under provisions of HB407. Companies with huge landholdings in Western Montana, would have become instant hunting clubs for the economically privileged. Anyone owning 5% or more of the outstanding shares such a corporation would have been eligible, along with members of his/her family, for a resident license for hunting on the corporation's land. Since many ranches in Montana are also owned by corporations with non-resident shareholders, quite a few more non-resident hunters would have been encouraged to hunt in Montana by HB407.

HB407 would also have allowed members of a partnership to purchase resident licenses to hunt on property owned by the partnership. This would have provided incentive for hunting clubs to purchase Montana lands exclusively for their own hunting preserves, and guaranteed them yearly permits at resident prices.

FW&P, in backing bills that would hurt resident hunters, may be responding to the state's push for economic development. But poorer hunting opportunities for residents would not be good for most Montanans, hunter and non-hunter alike, economically or otherwise. Proposals that would benefit a few people who make money from hunting, or those who for one reason or another expect special privileges, must be weighed against the sporting interests of the hundreds of thousands of Montana hunters.

RESIDENT MONTANA HUNTERS CONTRIBUTE ALMOST THEIR ENTIRE INCOME TO THE ECONOMY OF MONTANA. People who live in Montana frequently value hunting opportunity higher than money-making opportunity. They've willingly given up money-making and cultural opportunities available elsewhere, so they could live, hunt, and recreate in Montana. They are frequently the people who do the most for conservation and other movements that keep Montana a pleasant place in which to live.

The people of "elsewhere" and yesteryear traded away their hunting opportunities long ago, in favor of making more money. Montana is one of the last strongholds of wildlife and high-quality hunting opportunity. The rest of the world envies Montanans for that. But if hunting is to remain good in Montana, for Montanans, and non-residents alike, hunters must be aware of and oppose those who would trade off hunting in favor of "economic growth." And they must let the lawmakers know if there's something going on that they don't like.

MONTANANS WHO WANT HIGH-QUALITY HUNTING, FOR THEMSELVES, THEIR CHILDREN AND THEIR GRANDCHILDREN, SHOULD ACT NOW by writing or calling their representatives and senators in Helena, and expressing their OPPOSITION to HB535, their SUPPORT for HB526, and their concern about hunting opportunities in general. You can call and leave a message for your senator at 1-444-4800 or write your senator at the following address: (Remember, time is of the essence.)

Montana Senate
Capitol Station
Helena, Montana 59620

Fish and
tion

E ASSOCIATION
id enhance Mon-
mbership dollars
stronger voice in

Box 4294
Missoula, Montana 59806
728-7746

Testimony on H. B. 526

Mr. Chairman,

My Name is Lee Fears. I represent the Southeastern Montana Sportsmen Association. We are in support of House Bill 526.

We recognize the need for acquiring quality habitat for protecting our game species for the future. The recreational demand for our game animals is at an all time high. It will only go higher. The need for quality habitat will only become greater. We sportsmen are more than willing to pay the bill for this habitat. It is an investment in the future.

Earmarking of funds is nothing new to the sportsmen of Montana. A portion of our Fishing License fee has been set aside for the purpose of acquiring fishing access sites. I need not remind you how well this system is working.

I again urge you to support House Bill 526. The future of quality sport hunting throughout Montana depends on your decision. Thank you.

Lee Fears

Lee Fears

Southeastern Montana
Sportsmen Association
Box 401
Red Lodge, Montana 59068

VERTISEMENT

RESIDENT HUNTERS ALERT: PROPOSALS THREATEN MON

he Western Montana Fish and Game Association is a private, lissoula based sportsmen's organization, which has for about 50 ears worked to enhance the sport of hunting in western Montana. he Association has had several members attending the current gislative session in Helena, monitoring all bills directly affecting ildlife, hunting and fishing. The Association wishes to make pub- the following report on this year's legislative activity to date.

t least 25 bills affecting Montana hunting have been introduced the current legislative session in Helena. Most contain good, ensible ideas for managing game and hunters. There have been everal proposals in this legislature, however, that would take way local hunters' opportunities by:

.) allowing up to 14,000 more non-residents to hunt Montana big-game.
.) enabling some non-residents to avoid the lottery system and guarantee yearly hunts for themselves.
.) allocating more permits to guides and outfitters effectively squeezing Montana and non-guided, non-resident hunters into evermore crowded public hunting areas.

ll of the proposals listed above would, if made into law, place in- reased hunting pressure on Montana game herds, make it in- reasingly difficult for Montana hunters to find a place to hunt, and EDUCE THE AVERAGE RESIDENT'S CHANCES OF SUCCESS N ANY AREA OF MONTANA.

ortunately, many Montana legislators are hunters themselves — r understand the value of hunting to Montanans — and are will- g to protect hunting resources and opportunities. They have al- eady rejected some of the most detrimental proposals, but there re some still under consideration. At least one, HB535, NEEDS MMEDIATE ACTION FROM MONTANA HUNTERS.

essure from several sources, including the Montana Outfitters nd Guides Association, produced HB535 and pushed it through e House. It is about to come before the Senate. HB535 would reate SIX THOUSAND NEW NON-RESIDENT licenses that would llow license holders to hunt for everything except elk and black ear.

lontana presently sells 17,000 non-resident combination licenses year, which allow license holders to hunt elk, deer, and bear. bout 35,000 applications are received annually, and about 4,200 f those receiving combination licenses last year hunted deer ex- lusively. So by issuing 6000 more deer licenses the state will es- ntially have created a minimum 4,200 non-resident elk hunters nd a maximum of 6000 more non-resident elk hunters. The re- ulting 35% increase in out-of-state hunters would go into effect in e 1988 season.

000 MORE NON-RESIDENT HUNTERS IN 1988 would mean a harp increase in competition for the limited supply of game nimals and places to hunt, WHICH WILL EVENTUALLY LEAD TO HORTER SEASONS, HUNTING BY SPECIAL PERMIT ONLY, OR OTH.

B535 also calls for allocation of 2000 of those 6000 new licenses out-of-state hunters who hunt with guides and outfitters, which nds to further damage hunting chances for Montanans, as ex- lained below.

he state set aside 5600 non-resident permits for clients of outfit- rs and guides in 1985 and 1986, to help hunters and their guides plan ahead. Since the recent average number of non-residents unting with guides and outfitters has been around 5600, the addi- onal 2000 permits allocated under HB535 would raise the total llocations to 7600, well above current proportions of demand for uided hunts. Landowners have also been allocated 2000 non-re- ident permits, and since some landowners are also outfitters and uides, the allocation is in excess of 7600. This legislation takes uch of the risk out of the outfitting and guiding business. THIS AS A DETRIMENTAL EFFECT ON THE AVERAGE HUNTER. lere's how:

With increased security and profits, outfitters and guides can afford to advertise more heavily and create more demand. They are also able to lease more private property for their clients, effectively squeezing local hunters away from the private property and onto public lands; furthermore, private landholders and their lessees have a vested interest in closing their lands to access to the public lands that frequently lie adjacent to theirs. They are then able to use the public lands at their back doors as if they were their own. Local hunters are forced onto increasingly crowded portions of accessible public lands. WITH PASSAGE OF HB535, PRESSURE ON PUBLIC LANDS WOULD INCREASE, AND HUNTING OPPORTUNITIES FOR THE AVERAGE HUNTER WOULD DECREASE.

HB535, bad as it is, doesn't do as much as its backers hoped fo It replaces HB137, which called for issuance of 14,000 new nor resident permits, raising total non-resident annual numbers fror 17,000 to 31,000 in 1988. (Another HB16, would have added 400 archery-only licences this year to the current non-resident-perm ceiling.) HB535 is simply one survivor, hopefully short-livec among several recent attempts at exploiting Montana hunting a the expense of Montana hunters.

The Department of Fish, Wildlife and Parks (FW&P), has mixe record of performance so far in this legislative session. Howeve Jim Flynn, its governor-appointed director, has done well in back ing HB526, a measure designed to help the state acquire, develo and maintain wildlife habitat. Through hunting license fee in creases, HB526 will enable the agency to lease, purchase, and/o acquire conservation easements on land especially suited to wild life. The modest fee increases proposed in HB526 range for $ and $3 for resident deer and elk tags, respectively, to $50 for th nonresident combination license. The revenues thus g rate would produce $1.5 million in 1988 and $2.2 millin in 198 . ben efit wildlife, wildlife observers and hunters, residents and non-re sidents alike.

Although there are landowners eager to sell to the state in order t protect the land from development or other undesirable uses, thi bill is opposed by others, and faces a tough journey into the law book. Letters and calls SUPPORTING HB526 are urgently needed

To its discredit, FW&P requested introduction of HB407, whic would have allowed nonresidents owning land in Montana to hur deer, antelope and elk on that property with a resident license This bill could have opened a number of doors for non-resider hunters and further diminished hunting opportunities for resider Montanans. FORTUNATELY FOR MONTANA HUNTERS, th House Fish and Game Committee went against FW&P and kille HB407.

Because it was such a potentially destructive bill, and because ou state agency supported it, HB407's defects deserve to be detailed It makes it clear that hunters cannot just sit back and expect thei agency administrators to know and/or defend their interests. Non residents write letters and make phone calls urging our agenc people to help them out. So do all kinds of people who migh stand to gain or lose money according to the way our land an wildlife resources are managed. HB407 is a good example of whe agency administrators can be led to do.

HB407 created incentive for out-of-state hunters to purchase lan in Montana primarily for the purpose of hunting. Not only would have saved such hunters the annual license fee for non-resident

Western Montana

Game Associ

THE WESTERN MONTANA FISH AND could use your support in its efforts to pro tana hunting, for Montanans. Join today. Yo can help us keep a clear eye on, and give the state legislature.

Western Montana Fish and Game Association

MISSOULA, MONTANA

Jan. 10, 1987

Senate Fish & Game Committee
State Capitol Building
Helena, Montana

Dear Mr. Smith and Committee Members:

The Western Montana Fish and Game Association is a Missoula based sportsman organization with some 350 members. We are interested in the management of Montana's big game herds. We would like to see all available big game ranges at or near carrying capacity and a management strategy that would optimize hunting opportunities.

Optimization of hunting opportunities to us does not mean a maximization of hunter numbers, especially non-resident hunters. We realize that a large portion of license revenues come from our non-resident visitors. We support this concept, for residents pay for their privileges twelve months a year.

On the other hand, we feel that our non-resident hunting partners should have the choice as to whether they wish to employ a guide or outfitter. In fact, we feel this issue was settled over ten years ago when we in fact had a rule that non-resident hunters had to be accompanied by a guide or Montana resident, and this rule was challenged in court and thrown out!

We therefore would like to go on record as opposing the proposal by the Montana Outfitters and Guides Association to reserve one half of the 17,000 non-resident big game combination licenses for their clients or potential clients. In addition, we oppose their proposal that 6000 new deer B-11 licenses be issued for Regions 4,5,6, & 7 and that one half of these be reserved for clients of Outfitters and guides. Our non-resident hunting partners should be afforded a choice, just as residents are, as to whether they wish to employ an Outfitter...let them choose, let's not legislate it and open the state up to another potential lawsuit.

Sincerely,

Dave Goens

Dave Goens, Co-Chairman
Big Game Committee

March 24, 1987

Senator Ed Smith
Capitol Station
Helena, Montana 59620

Dear Senator Smith:

I am very much opposed to HB 526! The Fish, Wildlife and Parks Department control too much land already. The Department puts pressure on private land owners for access. Once they acquire the land, there is little chance that the land will ever go back to private ownership.

I urge you to vote against HB 526. Thank you.

Sincerely,

Sherill Henderson

Sherill Henderson
Sidney, Montana 59301

If you would like to discuss this issue with me further, please feel to call me at 394-2277. Thank you.

Sincerely,

MONTANA LAND AND MINERAL
OWNERS ASSOCIATION

Gary Meland /sn

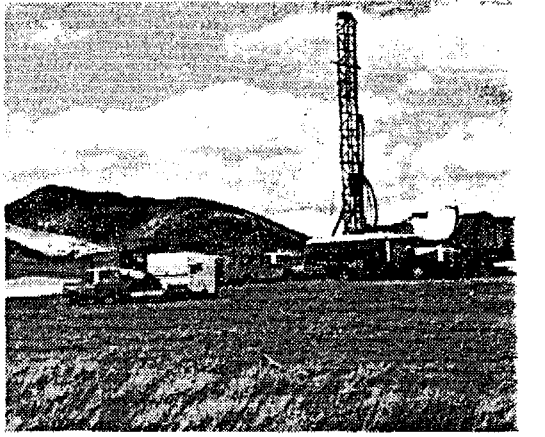
Gary Meland, President

GM:sn

Montana Land and Mineral Owners Association

P.O. Box 1301

Havre, Montana 59501



March 21, 1987

Senator Ed Smith
State Capitol
Helena, Montana 59620

Re: HB 526 (Allowing the Dept. of FWP to increase license fees to buy more land)

Dear Senator Smith:

The Montana Land and Mineral Owners Association would like to enter their testimony for the hearing scheduled for Tuesday, March 24, in regards to the above House Bill. Our Association believes that to increase license fees which are already quite high for the purpose of buying more land for the Dept. FWP to manage is not what we need in the State of Montana at this time. What will happen when you increase the hunting fees is to even more so restrict the people that can barely afford hunting licenses or prevent them from affording a hunting license altogether.

We also have a problem with the Dept. FWP buying more land as it further erodes an already well-eroded tax base. As has been our experience in this area, when the Dept. FWP gets a piece of land, promises are great but the follow-through has been rather poor. They have, on some tracts, noxious weeds that they're not taking care of as they should be, and we wonder if they should not be putting money and management into upkeep of lands they already own.

As was the case on another tract in Hill County, they have promised they would maintain the fences. It was a good fence built in the beginning, but maintenance has been nil.

Perhaps the Dept. FWP should be proving that they can handle what they now have before the Legislature gives them the go-ahead to buy more land at an accelerated rate. For this reason, we oppose HB 526 and feel when the Montana Dept. FWP proves they have the management and resources to manage the land they now have, then maybe we can look at giving them support to buy additional land.

HB 526

Gentlemen of the committee:

I'm Bill McRae. I'm an outdoor writer/photographer, and I write for a number of national outdoor magazines, including Outdoor Life, Field & Stream, Sports Afield, etc.

I would like to speak in support of HB 526.

Montana's wildlife is a limited resource on which we continue to place more and more demands. It is something that cannot continue for long. However, HB 526 offers a great big ray of hope in that it promises, in time, to expand the resource base.

This bill demonstrates a willingness on the part of sportsmen to invest their money, not only for their own good, but for the good of all Montanans. HB 526 will benefit the state's economy and guiding and tourist industries in particular. It will benefit both resident and nonresident hunters by providing more hunting opportunities and, last but not least, it will benefit wildlife by providing much needed winter habitat.

I respectfully urge that the committee support this legislation.

SENATE FISH AND GAME
EXHIBIT NO. 16 page 4
DATE 3-24-87
BILL NO. HB 526

3. SUGGESTED AMENDMENTS TO
HB 526 (SECOND READING)

1. Page 1, line 9
Following: "HABITAT"
Insert: "AND PUBLIC HUNTING AREAS CAPABLE OF BLOCK MANAGEMENT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS,"

2. Page 1, line 19
Following: "habitat"
Insert: "and public hunting areas capable of block management"

3. Page 4, line 5
Following: "habitat"
Insert: "and block management areas"

4. Page 4, line 9
Following: "habitat"
Insert: "and public hunting areas capable of block management by the department"

5. Page 5, line 12
Following: "habitat"
Insert: "and public hunting areas"

SENATE FISH & GAME
EXHIBIT NO. 11a page 3
DATE 3-24-87
BILL NO. HB 526

2. SUGGESTED AMENDMENTS TO
HB 526 (SECOND READING)

1. Page 1, line 20
Strike: "are necessary"
Insert: "may be desirable"

2. Page 3, lines 21-22
Strike: "AND (F)"
Insert: "(f) economic impacts to any county in which any portion of the lands are to be acquired, including an analysis of the total annual in lieu of taxes payments pursuant to 87-1-603 compared to the total annual taxes forthcoming to the county had the land remained in private ownership, including amounts attributable to livestock, improvements, machinery, and other personal property as appropriate; and (g)"

3. Page 4, line 4
Following: "PUBLIC."
Insert: "(3) Preference shall be given to acquisition of interests in land by lease or conservation easements over acquisition by purchase of fee title."

4. Page 5, line 18
Following: "habitat."
Insert: "Maintenance shall include mitigation measures for any detrimental impacts to adjacent land pursuant to [Section 1(1)(D)]."

SENATE FISH AND GAME
EXHIBIT NO. 16 page 2
DATE 3-24-87
BILL NO. HB 526

SUGGESTED AMENDMENTS TO
HB 526 (SECOND READING)

1. Page 1, lines 11-13
Strike: "TO SPECIFY THE NUMBER OF NONRESIDENT DEER "A" LICENSES THAT MAY BE SOLD;"

2. Page 9, lines 2-3
Strike: "Not more that 5,000 Class B7 licenses may be sold in any license year."

NOTE: The Montana Constitution states in Article 5, Section 11(3):

"Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title."

SEN. FISH AND GAME
EXHIBIT NO. 16
DATE 3-24-87
BILL NO HB 526

TESTIMONY ON HB 526
before the Senate Fish & Game Committee, March 24, 1987
by Lorents Grosfield, cattle rancher from Big Timber

HB 526 as amended is a much improved version of the Introduced Bill. However, there are still at least three major problems with it:

1. It is unconstitutional. The Montana Constitution states in Article 5, Section 11(3):

> "Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title."

This is a wildlife habitat bill. Yet from out of nowhere comes a provision that limits Class B-7 licenses. This has nothing to do with the purpose of the bill--- in fact if anything it is contrary to the purpose because it would be a factor limiting the money available for the real purpose of the bill. I urge the committee to strike that provision from the bill and have included a simple suggested amendment to that effect.

2. Economic impacts are not sufficiently addressed by this bill. These include economic impacts to adjacent lands resulting from enhanced habitat on purchased lands. They would also include impacts to the tax base in any county where a significant amount of land is purchased--- in our county, department lands contribute only one-half to one-fifth as much in lieu of taxes as the county received when the land was previously in private agricultural ownership. Other economic impacts of concern have to do with the cumulative effects of land acquisitions over a number of years--- these are both economic and social impacts associated with expanding government ownership of our land resources. The second set of amendments attached addresses these economic impacts.

3. HB 526 has been sold by some as an access bill. This is not an access bill. It is a habitat bill, and if anything it will quite possibly restrict access in many cases, because wide-open public access is simply not compatible with quality wildlife habitat management. Having a bill aimed exclusively at habitat acquisition is not necessarily a problem, but discussion on the floor of the House on this bill revealed that at least some members thought it was an access bill and may have voted for it on that basis. This is not an access bill. Actually, I think some of the money to be generated by this bill should go to access acquisition; one option is by way of promoting the Department's block management program--- the two or three Department employees involved in this program have succeeded in just a few seasons in opening thousands of acres to hunting access, and, with a little incentive to offer, could open tens of thousands more. This would go a long way toward relieving the present-day tensions between landowners and sportsmen. You will find amendments attached that would provide for funding access.

I URGE YOUR FAVORABLE CONSIDERATION OF THE ATTACHED AMENDMENTS.

SENATE FISH
EXHIBIT NO. 16 - page 8
DATE 3-24-87
BILL NO. HB526

The area on the east side of the Yellowstone is critical winter elk range and always has been, his ranch on the west side winters very few elk because of snow depth and lack of windswept range. He has owned his place for 10 years and his main residence is in Bozeman. It is sadly amusing to those of us who have lived and grown up with this Northern Yellowstone elk herd and its' history that he feels he knows it all.

I sympathize with the situation you're in on Bills 535 and 526. When one listens to subjective and at times heated testimony one can only hope to draw an objective conclusion and the main concern should be what would benefit this state and this entire country in the future.

I grew up with the stories of what it was like in this country in the early 1900's. I listened to my father and uncles talk about dragging elk carcasses to the river with 6 teams for a month straight. I watched the infamous firing line and the elk reduction in the Park. They never knew how many elk were killed indirectly of pneumonia (it was in the thousands) because they never went into the timber to get a count. I can remember being taken out of school to listen to hearings held in Yellowstone National park with the Director of the Fish & Game, the Governor or Lt. Governor and park officials to talk about how this problem would be solved. Then there were the Congressional Hearings in Cody in 1968 and that changed the cycle of history of the Northern Yellowstone elk herd.

We probably have as many elk now as they did in 1887 when 33,000 elk hides were shipped out of Gardiner on the Northern Pacific Railroad. It was the same year that Charlie Russell drew the picture on the postcard.
Thanks again for your time, if any on the committee have any questions or concerns please call me.

SINCERELY,

Franklin Pyle

SENATE FISH AND GAME
EXHIBIT NO. 16 page 1
DATE 3-24-87
BILL NO. HB526

SLIP & SLIDE RANCH

FRANKLIN & SUSAN RIGLER • BOX 877 • CORWIN SPRINGS, MT 59021 • (406) 848-7648

March 23 1987

Senators,

Some points that I did not have time to fully bring our yesterday I wanted to make you aware of today.

In 1968 when Congress mandated that direct/indirect elk reduction (shotting, live trapping, etc.) would stop, they also stated that the Forest Service, Park Service, and Fish & Game need to work together to find an answer to this problem. If the Park Service is talking today about the possibility of reduction of animals, what purpose has this past history served? We need to look to the future and see what we can do to preserve this unique Northern Yellowstone elk herd. A sensible acquisition plan, as properties become available, that would extend wintering ground seems the most practical solution. If you tie the hands of our Fish, Wildlife, and Parks Department on this winter game range acquisition you'll be doing a disservice to future generations who will follow you. In this area for example, we are talking about a total of 10,000 acres, all grass with the exception of 200 acres of scrub timer and no minerals.

When I attended the hearing yesterday, it amazed me that most landowners viewed this acquisition bill akin to condemnation. They are forgetting that areas that are <u>critical</u> to wildlife winter range need to be identified and a master plan implemented from that point on.

When Jim Hubbard of Tom Miner Basin testified that if his hunters did not receive licenses, he would sell out to the highest bidder. He further stated that the state would then miss critical elk winter habitat. It wouldn't take long to disprove what he said.

3/24/87

Gentlemen:

I wish to urge a No vote on HB 535. Our local Ravalli County group has a large majority agreeing with me.

I do not like set asides for any particular group. The outfitters have problems but competition is the big one and this bill won't help. The 5,600 out of 17,000 isn't too bad. But the deal giving a landowner is lousy. It will result in more fee hunting and less access to all of us. I don't believe 2,000 tickets extra for outfitters and 2,000 to landowners is a definite No - No.

John Kantzas
416 Birch Cr.
Corvallis MT. 5982

March 24, 1987

Senator Ed Smith
Capitol Station
Helena, Montana 59620

Dear Senator Smith:

I am very much opposed to HB 526! The Fish, Wildlife and Parks Department control too much land already. The Department puts pressure on private land owners for access. Once they acquire the land, there is little chance that the land will ever go back to private ownership.

I urge you to vote against HB 526. Thank you.

Sincerely,

Sherill Henderson

Sherill Henderson
Sidney, Montana 59301

STANDING COMMITTEE REPORT

April 8 1987 19

MR. PRESIDENT

We, your committee on Fish and Game

having had under consideration House Bill No. 526

Third reading copy (Blue color)

HUNTING FEE INCREASES TO FUND WILDLIFE HABITAT PROTECTION

Representative Ted Schye (Senator Severson)

House Bill 526

Respectfully report as follows: That No.

be amended as follows:

1. Title, line 11.
   Following: "THROUGH"
   Insert: "NONRESIDENT"

2. Title, line 13.
   Strike: "87-2-401 THROUGH"

3. Title, line 14.
   Strike: "87-2-501," and "87-2-508,"

4. Title, line 15.
   Strike: "87-2-708,"

5. Page 4, line 11 through line 5, page 5.
   Strike: subsections (a), (b), (d), (f), (h), (j), (l), (n), (p), (q), and (s) in their entirety
   Renumber: remaining subsections

6. Page 4, line 13.
   Strike: "$50"
   Insert: "$150"

7. Page 5, line 5.
   Strike: "$5"
   Insert: "$14"

8. Page 5, line 19 through line 9, page 6.
   Strike: sections 3 and 4 in their entirety
   Renumber: subsequent sections

XXXPASS

XXXNOTPASS

Chairman.

9. Page 7, line 3 through line 9, page 8.
Strike: section 6 in its entirety
Renumber: subsequent sections

10. Page 9, line 12.
Strike: "$400"
Insert: "$500"

11. Page 10, lines 10 through 22.
Strike: section 10 in its entirety
Renumber: subsequent sections

12. Page 11, line 6.
Strike: "$55"
Insert: "$50"

13. Page 11, line 7.
Strike: "$55"
Insert: "$50"

14. Page 11, line 9.
Strike: "$53"
Insert: "$50"

15. Page 11, line 11.
Strike: "$9"
Insert: "$6"

16. Page 11, line 22 through line 6, page 12.
Strike: section 12 in its entirety
Renumber: subsequent sections

17. Page 12, line 11.
Strike: "$41"
Insert: "$50"

18. Page 13.
Following: line 1
Insert: "NEW SECTION. Section 11. Coordination instruction. (1) If Senate Bill No. 331 is passed and approved:

(a) any reference in Senate Bill No. 331 to a fee increase in the Class B-10 nonresident combination license in 87-2-505 or in the Class AAA sportsman's license in 87-2-711 may not be considered as fee increases in addition to the fee increase for those licenses; and

April 3, 1987
..... 19.....

(b) any dedication of a portion of the Class B-10 nonresident combination and Class AAA sportsman's license fees in section 1 of Senate Bill No. 331 must be deducted from the amount of such fees dedicated in section 2 of this act.

(2) If House Bill No. 535 and the provision therein creating a Class B-11 license is passed and approved:

(a) the fee established in House Bill No. 535 for the Class B-11 license is increased to $275; and

(b) a new subsection is added to section 2 of this act that reads: "Class B-11 nonresident deer combination, $275.""

E:hb526.wp

AND AS AMENDED

BE CONCURRED IN

.....

Senator Ed Smith, Chairman